

Also, papers to accompany House bill granting an increase of pension to John W. Brooks—to the Committee on Invalid Pensions.

By Mr. DALZELL: Papers to accompany House bill granting an increase of pension to Andrew Ivory—to the Committee on Invalid Pensions.

By Mr. EVANS: Paper to accompany House bill 15820, granting an increase of pension to James R. Werts—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 15823, granting a pension to Andrew Dibert—to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Resolutions of the Massachusetts State Board of Trade for the enactment of liberal laws for the district of Alaska, to open the land to settlement, etc.—to the Committee on the Territories.

Also, resolutions of the Massachusetts State Board of Trade for an educational test in the restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. KEHOE: Petition of the Board of Trade of Maysville, Ky., relative to Alaskan legislation—to the Committee on Territories.

Also, petition of sundry citizens of Maysville, Ky., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. KETCHAM: Petition of citizens of Chatham, N. Y., in favor of an amendment to the Constitution defining legal marriage to be monogamic, etc.—to the Committee on the Judiciary.

By Mr. MERCER: Papers to accompany House bill 15847, granting a pension to Thomas Cosgrove—to the Committee on Invalid Pensions.

By Mr. SHOWALTER: Papers to accompany House bill granting a pension to Enos M. McDonald—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John McKeever—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting a pension to Joseph Grenne—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Paper to accompany House bill granting a pension to David W. West—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John Foruts—to the Committee on Invalid Pensions.

By Mr. WOODS: Papers to accompany House bill granting an increase of pension to James A. Hale—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to George N. McMurry—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, December 11, 1902.

Prayer by Rev. J. W. DUFFEY, D. D., of the city of Washington. The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

LEASING OF UNOCCUPIED GOVERNMENT PROPERTY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the leasing for a period not exceeding five years of certain unoccupied and unproductive property of the United States under his control, for the leasing of which there is no authority under existing law, etc.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC FOREST RESERVATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a draft of a proposed bill providing for the sale of timber and other material growing or being on public forest reservations, and for the renting or leasing of lands therein; which, with the accompanying paper, was referred to the Committee on Forest Reservations and the Protection of Game, and ordered to be printed.

CHARLES S. LOBDELL.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Charles S. Lobdell v. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting

the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Conrad*, John Osborn, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel schooner *Hope*, Ephraim Hutchins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4083) for the relief of Surg. John F. Bransford, United States Navy.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 12240) granting to Nellie E. H. Heen the south half of the northwest quarter and lot 4 of section 2 and lot 1 of section 3, in township 154 north, of range 101 west, in the State of North Dakota; and

A bill (H. R. 15155) to refund the duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York. I present a petition of the Chamber of Commerce of New York, N. Y., represented by Mr. Morris K. Jessup, president, praying for the ratification of a reciprocal treaty with the Government of France. The petition is very short, and I ask that it may be read.

There being no objection, the petition was read and ordered to lie on the table, as follows:

[Chamber of Commerce of the State of New York, founded A. D. 1763.]

To the honorable Senate and House of Representatives of the United States in Congress assembled:

May it please your honorable body, the Chamber of Commerce of the State of New York respectfully represents:

That the extension of our export trade with foreign countries is now a pressing question, as enlarged markets for the products of our manufacturers, of our agricultural and other industries, have become most necessary for our commercial well-being;

That to secure such enlarged markets for our products, and to obtain the advantages that we seek for our own trade, we must depart from our policy of exclusiveness, and must offer certain reciprocal concessions in our duties on imports to those nations whose trade we desire to cultivate.

That among the treaties negotiated by our Government in the furtherance of this enlightened commercial policy the reciprocity convention with the Republic of France offers concessions of the greatest value to the export trade of the United States, and will open to our trade and manufactures a large and remunerative field.

That under the terms of this treaty the reductions from the French maximum to the minimum tariff average about 48 per cent, including oils, and about 26 per cent excluding them, and apply to the whole French tariff list, excluding 19 articles, whereas the reductions conceded on the part of the United States average only 6½ per cent, and apply to only 126 numbers out of 463 dutiable items, showing the greater advantage to be on our side.

That the important concessions to our great export trade obtained by our Government through the negotiation of this convention far outweigh the apprehension of possible slight injury to any isolated special interest.

Your memorialists respectfully urge upon your honorable body the early and favorable consideration of this most important subject; and your memorialists will ever pray.

[SEAL.]

MORRIS K. JESSUP, President.
GEO. WILSON, Secretary.

NEW YORK, December 8, 1902.

Mr. CULLOM presented a petition of the congregation of the Parks Chapel Methodist Episcopal Church, of Urbana, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all immigrant stations; which was ordered to lie on the table.

He also presented a petition of the Live Stock Exchange of the National Stock Yards of Illinois, praying for the enactment of legislation amending section 4386, Revised Statutes, regulating the shipping of cattle; which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of sundry business firms of Seattle, Wash., praying for the enactment of legislation making tea in bond free after January 1, 1903; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of

legislation for the district of Alaska, to open the land to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

Mr. NELSON presented a petition of sundry citizens of Worthington and Brewster, in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. JONES of Arkansas presented a memorial of the Five Civilized Tribes convention of Eufaula, Ind. T., remonstrating against the enactment of legislation contemplating the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma or to any State; which was ordered to lie on the table.

Mr. QUAY. I present resolutions of the Five Civilized Tribes of the Indian Territory, adopted at a convention held at Eufaula, in the Indian Territory, remonstrating against the passage of the bill to attach the Indian Territory to Oklahoma. This organization is in the nature of a Territorial government, and I ask that the resolutions be read.

There being no objection, the resolutions were read, and ordered to lie on the table, as follows:

Hon. MATTHEW S. QUAY,
Senate Chamber, Washington, D. C.

MCALISTER, IND. T., December 8, 1902.

SIR: By direction of the Hon. P. Porter, chairman of the Five Civilized Tribes convention, held at Eufaula, Ind. T., November 28 last, I hand you herewith a certified copy of the resolutions adopted at the said convention, and would respectfully request that you present the same to the Senate, so that the wishes of the Indians in the Indian Territory with reference to statehood may be known.

Very respectfully,

HENRY ANSLEY,
Secretary Five Civilized Tribes Convention.

Whereas the Five Civilized Tribes of the Indian Territory have by agreements made and entered into with the United States provided for the dissolution of their tribal governments; and

Whereas the changed conditions brought about by such agreements require a complete revolution in our land tenure and new laws and usages unknown to the Indians composing the Five Tribes of the Indian Territory, which conditions will require time for the new citizen to adapt himself to the changed order of things; and

Whereas these changes were apparent to the contracting parties at the time of the making of the said agreements, which is evidenced by the fact that a separate political organization was provided for the Indian Territory and the period for dissolution as said tribal governments was fixed at March 4, 1906; and

Whereas citizens of the United States, and not Indians, now resident in and upon the lands of the Five Tribes, are making, by petition and lobby influence, efforts to induce the Congress of the United States to ignore the spirit and letter of agreements by placing the Indian Territory under the laws of Oklahoma Territory; failing in that, to organize a regular United States Territory out of the present judicial organization known as the Indian Territory, either of which propositions would delay the work of the Government as now organized and satisfactorily proceeding under the direction of the Secretary of the Interior in our Territory for the fulfillment of the agreements referred to: Now, therefore, be it

Resolved, By the duly authorized representatives of the Five Civilized Tribes in convention assembled at Eufaula, Ind. T., November 28, 1902:

That we affirm our confidence in the purpose of the United States Government to faithfully discharge the obligation she has assumed in her treaties with the Five Civilized Tribes in the Indian Territory.

We are opposed to and protest against any legislation by Congress that contemplates the annexation of the Indian Territory, or any part thereof, to the Territory of Oklahoma or to any State, and we insist upon our tribal government continuing intact and our tribal conditions remaining unchanged until March 4, 1906, at which time, should Congress deem it wise to change the present form of government in Indian Territory, we ask that a State be formed out of the territory composing the Indian Territory, without the preliminary steps of a Territorial form of government.

The authority and supervision of the Department of the Interior over Indian affairs in the Indian Territory and the duties imposed on the Dawes Commission by such authority in the distribution of the land belonging to the Five Civilized Tribes are sufficient for the present demand of government and satisfactory to the owner of the soil.

It is incumbent on us as self-governing people to propose a State form of government and take part in the establishment of the same for the country owned by us, to take effect at the dissolution of tribal government in 1906.

We most earnestly protest against the misrepresentations found in the petitions presented by the people assembling in conventions at different places in the Indian Territory purporting to represent the wishes of the Indian Territory, firmly believing as we do that they represent no part of the Indian population and a very small part of the white population of the Indian Territory in so far as they represent the people of the Indian Territory as asking for Territorial form of government or statehood jointly with Oklahoma.

Delegates present.—Creek Nation: P. Porter, principal chief; Roley McIntosh, John B. Goat, Cheesie McIntosh, Alex. A. Davis, A. P. McKellop. Cherokee Nation: Wash Swimmer, A. L. Lacie, George Sanders, J. G. Schrimsher, L. B. Bell. Choctaw Nation: H. P. Ward, L. C. Leflore, Hampton Tucker, Henry Ansley.

I hereby certify that the above and foregoing is a true and correct copy of the resolutions adopted by the Five Civilized Tribes' convention, held at Eufaula, in Creek Nation, Ind. T., November 28, 1902.

HENRY ANSLEY,
Secretary of said Convention.

Mr. QUAY presented sundry papers to accompany the bill (S. 6512) to extend the jurisdiction of the United States courts, and for other purposes; which were referred to the Committee on the Judiciary.

Mr. FORAKER. I present sundry letters, telegrams, and petitions from various individuals and firms in the State of Ohio, favoring the enactment of legislation to reduce the tax on distilled spirits, and also to extend the outage allowance so as to include all liquors in bond. I ask that the petitions be referred to

the Committee on Finance, and that the names of the several senders of the telegrams and letters be printed in the RECORD.

The PRESIDENT pro tempore. That is contrary to the usual practice.

Mr. FORAKER. I mean the persons from whom they come. I think that has been done.

The PRESIDENT pro tempore. Did the Senator request that the telegrams be printed?

Mr. FORAKER. No; the names.

The PRESIDENT pro tempore. There is a general rule that where petitions are printed in the RECORD the names of the petitioners shall not be printed. The rule, however, would not apply to simply one signature.

Mr. FORAKER. I know that is the general rule, and therefore I made the request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

There being no objection, the petitions were referred to the Committee on Finance and the names ordered to be printed in the RECORD, as follows:

The Hauser Brenner & Fath Company, of Cincinnati, Ohio; Henry Tecklenburg, of Lorain, Ohio; T. W. Voss & Co., of Cincinnati, Ohio; I. Levi & Co., of Portsmouth, Ohio; The Marietta Distillery Company, of Marietta, Ohio; W. W. Leshner, of Pomeroy, Ohio; The Henderson Lithographing Company, of Cincinnati, Ohio; Ferdinand Westheimer & Sons, of Cincinnati, Ohio; The Beech Hill Distilling Company, of Cincinnati, Ohio; V. E. Shields & Co., of Cincinnati, Ohio; The Standard Distilling and Distributing Company, of Cincinnati, Ohio; The Duroy & Haine Company, of Sandusky, Ohio; Mihalovitch, Fletcher & Co., of Cincinnati, Ohio; Ferdinand Westheimer & Sons, of Cincinnati, Ohio; The Edgewood Distilling Company, of Cincinnati, Ohio; H. Rosenthal, of Cincinnati, Ohio; Mayer Brothers, of Cincinnati, Ohio; The G. & B. Gerdes Company, of Cincinnati, Ohio; Fleischmann & Co., of Cincinnati, Ohio; Klein Brothers, of Cincinnati, Ohio; Joseph Silverman & Co., of Cincinnati, Ohio; Mihalovitch Flocher & Co., of Cincinnati, Ohio; The Star Distilling Company, of Cincinnati, Ohio; Walter Frieberg, of Cincinnati, Ohio; The Diamond Distillery Company, of Cincinnati, Ohio; Sunny Side Distilling Company, of Cincinnati, Ohio; J. & A. Freiberg, of Cincinnati, Ohio; The Hoffheimer Brothers Company, of Cincinnati, Ohio; Levi & Ottenheimer, of Cincinnati, Ohio; The Old 76 Distilling Company, of Cincinnati, Ohio; The Mountain Distilling Company, of Cincinnati, Ohio; Freiberg & Workum, of Cincinnati, Ohio; Ullman Einstein & Co., of Cleveland, Ohio; The Clifton Distilling Company, of Cincinnati, Ohio; C. Hossfield & Son, of Hamilton, Ohio; Fleischmann & Co., of Cincinnati, Ohio; Rheinstrom, Bellman, Johnson & Co., of Cincinnati, Ohio; E. Bloch & Co., of Cleveland, Ohio; Isaac Winkler & Bro., of Cincinnati, Ohio; The Union Distilling Company, of Cincinnati, Ohio; The James Walsh Company, of Cincinnati, Ohio; Franc Heyn & Co., of Toledo, Ohio; Joseph A. Magnus & Co., of Cincinnati, Ohio; H. W. Avier & Bro., of Cincinnati, Ohio; L. Kahn & Co., of Cleveland, Ohio; Fred Rauh & Co., of Cincinnati, Ohio; S. Kuhn & Sons, of Cincinnati, Ohio; A. C. Kaplan, of Cincinnati, Ohio; H. Rosenthal & Sons, of Cincinnati, Ohio; The Turner Looker Company, of Cincinnati, Ohio; William Edwards & Co., of Cleveland, Ohio; The McCart Christy Company, of Cleveland, Ohio; William C. Biles & Co., of Cincinnati, Ohio; Guggenheim Brothers, of Cleveland, Ohio; Kaufmann, Baer & Co., of Cincinnati, Ohio; Strauss, Pritz & Co., of Cincinnati, Ohio; The Weidman Company, of Cleveland, Ohio; A. E. Clarkson & Sons, of Cincinnati, Ohio; J. Frager & Co., of Cincinnati, Ohio; The Kayser & Hegner Company, of Cincinnati, Ohio; J. Debar & Co., of Cincinnati, Ohio, and J. Michelson & Bros., of Cincinnati, Ohio.

Mr. HOAR presented a petition of sundry ex-Union soldiers of Massachusetts, praying for the enactment of legislation to increase the pensions of soldiers and sailors who lost limbs in the service; which was referred to the Committee on Pensions.

He also presented a petition of the Selectmen of Winthrop, Mass., praying for the enactment of legislation to increase the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Second Corps Cadets of Salem, Mass., remonstrating against the passage of the so-called Dick bill, to promote the efficiency of the militia, and praying for the adoption of certain amendments thereto; which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the Presbyterian Ministers' Association of New York, praying for the enactment of legislation to restrict immigration; which was ordered to lie on the table.

Mr. COCKRELL presented the petition of Adolph Lippman, of Maryville, Mo., praying for the passage of House bills 178 and 179, relative to a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. DOLLIVER presented sundry papers to accompany the bill (S. 6351) granting a pension to Ira K. Eaton; which were referred to the Committee on Pensions.

He also presented a petition of the Presbytery of Dubuque, Iowa, praying for the establishment of a laboratory for the study of criminals, etc.; which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Manning and Mahaska County, in the State of Iowa, praying for the enactment of legislation providing for a reduction of the tax on distilled liquors; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 11576) granting permission to Capt. B. H. McCalla and others to accept presents and decorations tendered to them by the Emperor of Germany and others, reported it with an amendment.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga., reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (S. R. 134) to provide for the refitting of the revenue cutter *Fessenden*, submitted an adverse report thereon, which was agreed to; and the joint resolution was postponed indefinitely.

Mr. BERRY subsequently said: I reported a few moments ago Senate joint resolution 134, and it was indefinitely postponed. At the request of the Senator from Michigan [Mr. BURROWS] I should like to have the order indefinitely postponing the joint resolution reconsidered and the joint resolution placed upon the Calendar with the adverse report. The Senator from Michigan desires to look into the matter, and I told him that I would make a motion to reconsider the order indefinitely postponing the joint resolution.

Mr. BURROWS. I hope that will be done.

The PRESIDENT pro tempore. If there be no objection, the vote by which the adverse report on Senate joint resolution 134 was agreed to and the joint resolution indefinitely postponed will be reconsidered, and on the request of the Senator from Arkansas the joint resolution will be placed on the Calendar with the adverse report.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 6231) authorizing Robert A. Chapman, of Alabama, his associates and assigns, to use the waters of the Coosa River, in Alabama, for the purpose of generating electricity, reported it with amendments, and submitted a report thereon.

Mr. PETTUS, from the Committee on Military Affairs, to whom was referred the bill (S. 5891) to authorize the President to appoint Brig. Gen. H. C. Merriam to the grade of major-general in the United States Army on the retired list, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10095) for the relief of Levi L. Reed, reported it with an amendment, and submitted a report thereon.

Mr. MALLORY, from the Committee on Commerce, to whom was referred the bill (H. R. 14801) to make Wilmington, N. C., a port through which merchandise may be imported for transportation without appraisement, reported it without amendment.

Mr. FOSTER, from the Committee on Claims, to whom was referred the bill (H. R. 4471) for the relief of James M. Chisham, reported it without amendment.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. 6228) to establish Portal, N. Dak., a subport of entry and extend thereto the privileges of the first section of the act approved June 10, 1880, reported it without amendment, and submitted a report thereon.

OFFICE RENT AT CONSULATES.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 6447) to amend section 1706, Revised Statutes, relating to consuls, to report it favorably without amendment, and as it is a very short measure, and I think there will be no objection to it, I ask that it be considered now.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 1706 of the Revised Statutes so as to read:

SEC. 1706. The President may allow consuls-general, consuls, and commercial agents who are not allowed to trade actual expenses of office rent, not to exceed in any case \$1,800 per annum, whenever he shall think there is sufficient reason therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF TONNAGE TAXES.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6439) for the refund of certain tonnage taxes, to report it back favorably without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to refund additional tonnage taxes, at the rate of \$1 per ton, amounting to \$7,352, heretofore levied on the steamers *Santiago de Cuba*, *Santiago*, *Cienfuegos*, and *Olinda* on entry at New York from Cuban ports.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SIMMONS introduced a bill (S. 6516) providing for an additional circuit judge in the fourth judicial circuit; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MARTIN introduced a bill (S. 6517) to provide for rebuilding the Aqueduct Bridge, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6518) for the relief of the personal representatives of Sewell B. Corbett, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6519) for the relief of the Free and Accepted Order of Masons in the town of Keysville, Charlotte County, Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6520) granting a pension to Maria Elizabeth Horner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6521) granting a pension to Mary B. Coolidge; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of New York introduced a bill (S. 6522) granting a pension to Elise Sigel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 6523) granting an increase of pension to James P. Wallace; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SIMON introduced a bill (S. 6524) granting an increase of pension to John M. Drake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6525) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6526) granting an increase of pension to Orin T. Fall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6527) for the relief of Parmenas Taylor Turnley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6528) for the relief of M. C. Kerth; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 6529) for the relief of Herrera's Nephews and Gallego, Messa & Co.; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BURTON introduced a bill (S. 6530) granting an increase of pension to Austin L. Tapliff; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6531) to correct the military record of John Minster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 6532) granting an increase of pension to Asia Burgess; which was read twice by its title.

Mr. COCKRELL. To accompany the bill I present the petition for an increase of pension of Asia Burgess, soldier of the Mexican war, now pensioned at \$12 per month, together with the affidavits of W. F. Perry and George L. Sherman and that of Dr. Joseph Mather. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOAR introduced a bill (S. 6533) granting a pension to Thomas O'Connor; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6534) providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6535) providing for the construction of light-house and fog-signal stations in Alaskan waters; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6536) providing for the construction of a tender for the Twelfth light-house district; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6537) providing for rank and pay of certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 6538) providing for the construction of an oil house on Yerba Buena Island, California; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. TELLER introduced a bill (S. 6539) for the relief of Mary B. Spencer, administratrix of Albert G. Boone, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6540) granting an increase of pension to George W. Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 6541) granting a pension to Eleanor Gregory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6542) to provide for the construction of a revenue cutter of the first class for service on the coast of Maine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. KITTREDGE introduced a bill (S. 6543) granting an increase of Pension to David C. Morgan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAILEY introduced a bill (S. 6544) to establish a permanent military camp ground in the vicinity of Fort Sam Houston, Department of Texas, in the State of Texas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLLIVER introduced a bill (S. 6545) granting an increase of pension to John Weaver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6546) granting an increase of pension to Peter Peterson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MASON introduced a joint resolution (S. R. 143) for the establishment of a military sanitarium at Fort Bayard, N. Mex.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$3,000 for preparing and reprinting a new edition of the Consular Regulations, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

EUGENE F. HARDING.

On motion of Mr. HARRIS, it was

Ordered, That Eugene F. Harding have leave to withdraw his petition and papers from the files of the Senate, there having been no adverse report; the same being in connection with Senate bill No. 3163, first session Fifty-seventh Congress, now pending before the Committee on Pensions of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. 12240) granting to Nellie Ett Heen the south half of the northwest quarter, and lot 4 of section 2 and lot 1 of section 3, in township 154 north of range 101 west, in the State of North Dakota, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 15155) to refund the amount of duties paid on merchandise brought into the United States from Porto Rico between April 11, 1899, and May 1, 1900, and also on merchandise brought into the United States from the Philippine Islands between April 11, 1899, and March 8, 1902, and for other purposes, was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of House bill 15372, the bill making appropriations for the Anthracite Coal Arbitration Commission.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, which

had been reported from the Committee on Appropriations with amendments.

The PRESIDENT pro tempore. The amendments of the committee will be stated in their order.

Mr. ALLISON. Before taking a vote upon the amendment—although there appear to be several, it is, in fact, but one amendment—I wish to modify a portion of the amendment, beginning in line 9, page 2, after the word "Provided," by omitting the words printed in italics and inserting what I send to the desk.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. On page 2 of the bill, line 9, after the word "Provided," strike out the amendment proposed by the committee in the following words:

That the members of said commission shall be allowed the sum of \$15 per day each while employed in such service in lieu of traveling and all other expenses.

And insert:

That the members of said commission shall be allowed the sum of \$15 per day each, the assistant recorders \$10 per day each, and the other employees of the commission in the service of the Government \$6 per day each, while employed in the work of the commission, in lieu of traveling and all other expenses.

The PRESIDENT pro tempore. The Senator from Iowa withdraws the committee amendment?

Mr. ALLISON. I withdraw the amendment printed in italics and wish to substitute what has been read.

The PRESIDENT pro tempore. In lieu of the amendment of the committee the amendment which has just been read is substituted.

Mr. BERRY. I offered an amendment and had it printed, and it is on the desk, I presume. It is an amendment to the amendment as originally reported by the committee. I do not know whether it is so worded now that it would come at the proper place, since the Senator from Iowa has changed the committee amendment. It was offered to the amendment as reported by the committee. I should like to have it read and to get a vote upon it.

Mr. ALLISON. I suggest that by unanimous consent the words I sent to the desk be substituted for the words printed in italics. Then the amendment of the Senator from Arkansas will apply to the amendment as now proposed.

Mr. BERRY. I simply said that as I sent the amendment up before the Senator made the change, I did not know whether it was properly worded as an amendment to the amendment.

Mr. CULLOM. Let it be read and then we can tell.

Mr. BERRY. I ask that the amendment to the amendment may be read.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the amendment which has just been offered may take the place of the amendment originally reported by the committee. Is there objection? The Chair hears none, and that order is made. Now, the Senator from Arkansas offers an amendment to that amendment. All it will need, perhaps, will be a change of place, or something of that kind.

Mr. HALE. Let us have the amendment to the amendment read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. In line 4, page 2, after the word "President," insert the words "not to exceed \$4,000 per annum."

Page 2, line 10, after the word "allowed," strike out the words "the sum of \$15 per day" and insert the words "their actual expenses."

Lines 11 and 12, strike out the words "in lieu of traveling and all other expenses" and insert the words "not to exceed \$10 per day."

Mr. BERRY. Mr. President, I desire to say a few words in reference to my amendment to the amendment.

This bill as it came from the House of Representatives appropriated \$50,000 for the payment of the salaries and expenses of the Anthracite Coal Strike Commission. It left it entirely in the discretion of the President as to how much should be paid to the commissioners, how much should be paid to the different clerks, and the amount of expenses which should be allowed. He was only limited by the sum of \$50,000. The bill also expressly repealed the law now in existence which prohibits an officer of the Government from receiving two salaries at the same time. As it came from the House the President could pay those now in the service of the United States and on this commission, or doing work under the commission, such salary as in his discretion he deemed best.

I do not know whether it is now the case, as the amendment has been changed; but as it was reported by the committee that part of those connected with the commission who are now in the Government service were prohibited, as I understand it, from receiving any salary; in other words, the committee struck out that portion of the bill as passed by the House which repealed the

present statute on the subject. I should like to ask the Senator from Iowa whether as he changed it this morning that part is changed?

Mr. ALLISON. There was no change made this morning except simply the change I suggested to the Senator from Arkansas a day or two ago. The change simply provides for the payment of a per diem to the assistant recorders and the employees in lieu of a general accounting for expenses.

Mr. HALE. But the feature which prohibits additional pay to men who are now drawing salaries is still retained.

Mr. BERRY. It is still retained in the bill?

Mr. ALLISON. Yes, sir.

Mr. BERRY. That is all right.

Now, Mr. President, the question raised by my amendment is whether the Congress of the United States shall determine how much salary shall be paid to these commissioners, or whether that shall be left to the President of the United States.

I want to say that I am opposed to Congress giving what sometimes—improperly, I suppose—is called a "slush fund" to the Executive to pay out alone in his discretion. I think it will not be contended by anyone that there is any authority in the Constitution or the law which authorized the President to appoint this Coal Strike Commission, nor did he claim that he had any such authority. He simply claimed that a great emergency had arisen, which he believed justified him in taking the action he did.

But the question as to whether the members of the commission shall be paid at all or not rests with Congress. There is no legal obligation upon the Congress of the United States to appropriate one dollar. However, if Congress determines to pay the commissioners, then I say Congress should say how much shall be paid them. It should not be left to the President of the United States to give one of them \$10,000 or \$26,000 if he sees proper, but the responsibility should be taken by Congress and the salary should be fixed at a specified sum, or at least there ought to be a maximum fixed beyond which the President could not go in paying the commissioners.

I do not believe it is a proper precedent to permit the Chief Executive to fix salaries. I will not refer to past transactions. There has been legislation of this kind heretofore. There have been commissions appointed where it was left alone to the President to determine how much they should be paid, and no report has ever been made upon the amount that was so paid.

Therefore I believe it to be the duty of the Senate to amend the bill and fix some sum by way of salaries for the commissioners, who are not now in the service of the Government of the United States. In the amendment which I have offered I have fixed it at \$4,000 a year. It seems to me that that is reasonable pay to the commissioners. However, if the Senate should think that amount too small, let them strike out the \$4,000 and insert some larger sum. But what I insist upon is that Congress shall determine the salary, and it should not be left solely to the discretion of any executive officer to say how much salary shall be paid. That is the first proposition.

Now, the committee in its amendment provides that the President shall be authorized to pay each of the commissioners, including those who now hold office under the Government of the United States, the sum of \$15 a day in lieu of traveling and all other expenses.

I submit, Mr. President, that that is an unreasonable sum. Fifteen dollars a day for their expenses amounts to more than the salary of a member of the lower House of Congress or a member of the United States Senate during the year. Bear in mind that the committee propose to give that in addition to such salary as the President may in his discretion think they are entitled to receive. I believe that it is an improper sum. I do not believe that their expenses will amount to one-half of \$15 a day. If you intend to give them a salary and cover it up under the name of expenses, I submit that that is not the proper way to legislate by the Congress of the United States. We all know that it will not cost the commissioners \$15 a day in the way of expenses while at this work. You can board, I think I heard a distinguished member of the Senate say yesterday, at the Waldorf-Astoria probably for \$15 a day. It is an unreasonable sum for expenses. It sets a precedent which ought not to be set by the Congress of the United States.

I do not wish to cramp this commission. I do not wish to interfere with them in any way in the discharge of their duties. But I do say that when instead of allowing them specifically for their expenses the amount of \$5 a day, or \$2 a day, or \$3, or whatever it may be, to give them arbitrarily \$15 a day and then leave it to the President to give them so much more as he deems proper, is legislating in a way that was never intended by the people of this country or by those who framed the Constitution.

I therefore shall ask for a vote on my amendment, which, as I said, limits the salary to not exceeding \$4,000 a year and provides for the payment of their actual expenses, provided they

shall not exceed \$10 a day. It is unfair and unjust to cover up by a specific sum, under the head of expenses, the amount they receive. They ought to file vouchers and show what their real expenses are. That they ought to be paid; and then they ought to be paid a reasonable salary, which I believe should be fixed, not by the executive department, but by the Congress of the United States.

The PRESIDENT pro tempore. The first amendment offered by the Senator from Arkansas is to the committee's proposed amendment, commencing at line 4 on page 2.

Mr. COCKRELL. Let the amendment be divided, so that we can vote on each proposition.

The PRESIDENT pro tempore. That will divide the amendment. The question is on agreeing to the first amendment to the amendment, which will be read.

The SECRETARY. Page 2, line 4, after the word "President," insert the words "not exceeding \$4,000 per annum."

Mr. HOAR. Have the words in italics in the second and third lines been adopted?

The PRESIDENT pro tempore. No; those words have not been acted upon. None of the committee amendments have been acted on.

Mr. ALLISON. Mr. President, I understand the effect of the amendment to be—

Mr. DANIEL. I ask that the amendment to the amendment may be stated.

The PRESIDENT pro tempore. The amendment to the amendment will be again stated.

The SECRETARY. Page 2, line 4, after the word "President," insert the words "not exceeding \$4,000 per annum;" so that if amended it will read:

And for such compensation of the members of said commission, its employees, and the assistant recorders, who are not officers or clerks in the civil or military service of the Government, as may be fixed by the President, not exceeding \$4,000 per annum.

Mr. HOAR. I desire to suggest to my honorable friend from Arkansas a consideration about the phraseology of his amendment. It implies that Congress contemplates a long and permanent service. It speaks of the compensation as a salary per annum.

I suppose it is true in our past experiences that where these special boards have been established they very often prolong their service a great while at an annual and not a per diem compensation. They have not their report quite ready, and they will get it in at the beginning of the next Congress, and then afterwards there is constant delay. I do not think that would apply at all to gentlemen of such high character as those who are on this board, but I do not think it is a good precedent to put into a temporary board the suggestion that a salary of so much per annum shall be paid, as if the board was expected to last at least a year. I think it would be better to have a per diem rather than an annual compensation fixed. The fixing of a per diem only shows that Congress is thinking of a day, and not of a year, as the measure of their time; but also in that case they are not paid except for the day when they are actually at work, while an annual salary runs when they may be doing something else. I do not want to meddle with the amendment of the Senator from Arkansas, but I make that suggestion.

Mr. BERRY. I will modify the amendment so as to make it a per diem rate corresponding to \$4,000 per year.

Mr. BAILEY. Say \$12 a day.

Mr. BERRY. I will say "\$12 per day for the time they are actually employed." I will modify the amendment in that way to meet the suggestion which has been made.

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. BERRY] modifies his amendment so as to make it read "not exceeding \$12 per day for the time employed."

Mr. ALLISON. Mr. President, I do not regard this question of compensation as of any very great importance one way or the other. This is an extraordinary commission, appointed under extraordinary circumstances, and is composed of gentlemen who have other pressing occupations, whether they are in the service of the United States or out of it. Some of the members of the commission have consented—one of them has, I know—reluctantly to enter upon this service, because, of course, it is impossible to know the tenure of the appointment and the length of the service. I do not think that a commission of this character should be tied down to a per diem compensation.

If it is not the wish of the Senate to leave this question to the discretion of the President, which the committee, I believe, thought it a safe discretion to lodge in him as respects these commissioners, then, I think, instead of allowing the commissioners a per diem compensation we should give them a fixed sum for the service they are performing. Nobody can tell, I agree, whether it will be a service of two months or three months or six months, but if Congress is to fix the compensation of those gentlemen who are not now in official station we

should allow them, I think, a lump sum. For one, I should be willing to allow them \$4,000 apiece for this service; or if the Senate should think that too much, let it be made \$2,500.

I think the President, if the discretion were left with him, would allow them a reasonable sum for the service. We all know that it is an extraordinary service, an exceptional one, and I think we should not for a moment stop short of giving the commissioners not only a reasonable compensation, but a full compensation, for the services they are rendering the country.

Mr. DANIEL. May I interrupt the Senator by a question?

Mr. ALLISON. Certainly.

Mr. DANIEL. Does the Senator propose that the per diem salary which he suggests should apply to those who are already in the service of the United States?

Mr. ALLISON. I do not. It will only apply to the three commissioners who are not now holding office under the authority of the United States. The bill, as sent to us from the House of Representatives, fails to provide compensation for those members of the commission now in public employment.

Mr. TELLER. I am a member of the Committee on Appropriations, but I was not present when this bill was considered. I want to know whether the committee considered the propriety of making an allowance, for instance, to the chairman of the commission, who is a judge of a United States court and who is absent from his judicial district, for his expenses while he is so absent?

Mr. ALLISON. We propose to allow the expenses of all the commissioners.

Mr. TELLER. All of them are to receive an allowance for expenses?

Mr. ALLISON. All of them.

Mr. TELLER. But compensation is to be paid only to those who are not Government officials. It seems to me that the bill ought to be a little more definite in that particular.

Mr. ALLISON. I think if the Senator will examine the bill carefully he will see—

Mr. TELLER. I have only had a moment in which to examine it.

Mr. ALLISON. The Senator will see that the compensation is to be fixed by the President.

Mr. TELLER. I do not think that is a very wise thing to do.

Mr. ALLISON. All the members of the commission not holding official station will receive compensation for their services. Of course, those who hold official positions will receive no compensation, because the committee have proposed to strike out the provision of the bill to allow compensation to them.

Mr. TELLER. It seems to me that it is a proper thing for Congress to fix the compensation and not for the President to do so. I suggest to the chairman of the committee that it would be much better, if \$4,000 is the right sum—I do not say whether it is or not; I do not know—we should fix that or some definite sum. It is not, however, a matter of very much consequence to us whether we give these people \$4,000 or \$5,000; but whatever we give them they are rendering service that we hope will be of great value, but it is only a temporary service, and we do not want to give the commissioners such a salary as would induce them to continue indefinitely this investigation. We want it to terminate some day, and the sooner it terminates the better for all concerned.

Mr. HALE. Mr. President, the Committee on Appropriations, as a matter of fact, tried to take a conservative course upon this really very important bill. It is important because it is a clear innovation. It should be guarded so that it shall not be too much a precedent. The House of Representatives sent us the bill with all the bars taken down. They sent us a bill that left the entire question of compensation—not only of the members of the commission who hold office, but the outside members—entirely at the control of the President, and in terms placed a fund in his hands, to be treated in that way, without any intervention on the part of Congress. We did not think that a good thing to do, and I do not think that it is a good thing to do. In the first place, it committed to the President the tremendous power of taking men already holding distinct civil offices requiring their time and attention, who are paid a definite sum, and adding at his pleasure any amount to that salary already fixed.

The practice, Mr. President, of selecting officers of the Government for special duty, to be designated by the President, outside of their regular duties, is a pernicious practice. In itself it is bad. The Senate has had this question before it at a past day and expressed itself very clearly that this should not be generally allowed. It becomes all the more a departure from the spirit of our laws and an objectionable thing when to that is added the power of the President to fix any compensation that he chooses in addition to what the officers already draw. I should not like to see any precedent established under which the President should constitute a commission, even under the law—under a

framed and passed and existing law—and should be authorized to select members of the judiciary, of the executive department, of the Senate, or of the House of Representatives, and make them a commission constituted by him with the indefinite power of giving them whatever salary he pleased.

The Senate Committee on Appropriations have proceeded to cut that up by the roots, and without thinking it desirable now to protest against the selection of these gentlemen who do hold office, who are competent and worthy men, who are engaged earnestly in their work, we did think it desirable to put a restriction by striking out the provision that the House had put in, especially repealing the sections of the Revised Statutes that prohibited two salaries, and leaving those sections in standing force. That is the answer to the Senator from Colorado [Mr. TELLER]. We thought we did it in the most efficacious way by striking out the provision of the House that lets open the door.

That carried us another step. It was a motion to the President not to give extravagant salaries to the men selected by him outside of the officers of the Government—three or four of them—when we said that a circuit judge of the United States, who receives \$8,000; a retired brigadier-general, who, with allowances, receives about \$5,500; the Commissioner of Labor, who has a regular salary, and the assistant recorder, who is an officer of the Government, Mr. Moseley, should only receive the pay fixed by law for the offices which they now hold. It was notice to the President, which I have no doubt he will take, that the other members should not be given extravagant salaries, which would be wrong to the other members of the commission, who are confined to their present official salaries.

Therefore we had no question that the President, in fixing these other salaries, would fix them at four or five thousand dollars, certainly at not more than \$6,000, which the highest officer gets; and that is an answer to the Senator from Arkansas [Mr. BERRY], who wants to fix the salary in terms. In effect, in spirit, we have fixed it, and I look upon it as a matter of congratulation that Congress has the opportunity, and that the Senate has seized that opportunity, of not letting this go as a general sluiceway with the whole power given to the President. I do not fear that the President would unduly exercise it. He is a man who is responsive to suggestions that are made, either here or elsewhere, by sensible persons; but it is not well to leave the matter as the House has sent it to us.

Mr. BERRY. Will the Senator permit me to ask him a question in reference to the point he is just now considering?

Mr. HALE. Certainly.

Mr. BERRY. If I understand the Senator correctly, he said the action of the committee in providing that those members of the commission who are in office should not receive any additional salary was an intimation as to the amount the President should fix in paying the others. Now, I should like the Senator to tell me if it would be an intimation to the President to pay the remainder of the commissioners \$6,000 a year, which is the salary received by Judge Gray, or \$5,500, which is the salary received by General Wilson, or the \$5,000 received by Commissioner Wright, or the \$2,500 or \$4,000 which is received by Mr. Moseley—which one of these salaries would the President feel called upon to take as the rule by which he shall pay the remainder of the members of the commission?

Mr. HALE. I think if the Senator or I were President—which we probably never shall be—we would take a fair average and make the compensation about \$5,000. That would be the natural and customary way of fixing it, and I have no doubt that is what the President will do—that he will fix it at just about \$5,000.

The suggestion has come out here in debate, and there is something in the suggestion that has been made that we do not want this an annual salary to go on from year to year. We do not intend that. I would not object to putting it in terms that the outside commissioners shall have \$5,000 for their entire services, whatever time they take. I should say they would probably not take a year.

I should say also, with regard to expenses, that this should not be left entirely to one-man power. We ought not to be subjected to the reproach that we mean to be niggardly. I do not think \$15 a day would be too much for all the expenses of these commissioners. They are not constantly engaged in this work. They hold sessions; then they go to their homes, and then they go back; and the allowance for expenses includes not only their hotel bills, but their traveling expenses. Senators know how soon \$10 a day is eaten up. I do not think that the scale of \$15 a day to these commissioners—they have to live at the best hotels in the places where they sit—will enable them to save a dollar. The proposition is not open, in my mind, to the objection suggested by the Senator from Arkansas [Mr. BERRY] that it is piecing out their salaries. They will get nothing out of it.

I do not know but that the suggestion came from the Senator in charge of the bill himself that it will satisfy everybody to

make this compensation \$5,000 in all, letting no question arise about how long the commission shall continue, and then fix a per diem for expenses, as we have put it, and pass the bill.

I am glad the opportunity has been given here in the Senate for some expression to the effect that this unlimited and uncontrolled power shall not as a precedent be left to any one man.

Mr. BACON. Mr. President, I have been very much interested in what the Senator from Maine [Mr. HALE] has said, and I am very much gratified both by what has fallen from him and from the Senator from Iowa [Mr. ALLISON]. What they have said is a full recognition of the principle embodied in the amendment offered by the Senator from Arkansas [Mr. BERRY]. So far as the details of the bill are concerned, I think they are of comparatively little importance.

The important thing is to maintain that which is emphasized by the remark of the Senator from Maine that in the appropriation of money Congress shall everywhere definitely prescribe what shall be expended for given purposes.

Mr. President, we have had at one time, it will be remembered, action by this Senate and by Congress which might be deemed to be in conflict with this principle, but that was under very exceptional circumstances. I refer to the time when Congress put \$50,000,000 at the discretion of the President, to be expended for the public defense and safety in a time of very great emergency, just prior to the declaration of war against Spain. But that can not be said to be a precedent for anything less grave than the situation which was then presented. It was a matter which was recognized by all as of paramount necessity, and Senators who were then here will remember the fact that the action of the Senate, and I think also of the House of Representatives, though I was not present in the House when the bill was passed and can not say with certainty, but the action of the Senate was absolutely unanimous. Not only so, but it required no argument or suggestion from anybody to satisfy every Senator that that was the proper action at that time; and it is a historic fact that when that bill for the appropriation of \$50,000,000 for the public defense, placed without limitation at the disposal of the President, was submitted to the Senate there was not a word said by any Senator either pro or con, and it passed by the absolutely unanimous vote of the Senate. No Senator upon that occasion then said anything on the floor of the Senate in advocacy of the appropriation, because nothing was necessary to be said. We were all of one mind in support of the appropriation.

It is probably proper that I should allude to another enactment which has been more recently made by Congress, in which there may seem to have been a departure from this general principle. That was in the bill providing for the construction of the isthmian canal. It is true that in that bill as it became a law there is a provision—a provision contained in the amendment drawn and offered by myself—which authorizes the President of the United States to fix the salary of the commissioners; but that even is limited by the qualification "until otherwise directed by Congress." The circumstances there were peculiar. We had to go to a tropical country; it was impossible to say what would be the conditions presented at the time, when possibly it would not be practicable to wait for the action of Congress—conditions which might lay upon the President the duty of determining the matter of salary in such a way as would enable him to get the benefit of the labor of persons whose skill and experience would make them proper persons for that great work.

I quite agree with the suggestion which the Senator from Iowa makes, or that of the Senator from Maine. I care not whether it is a limitation of amount, whether it is a per diem, or anything, so it is specified by Congress. I do not want in any way to express any want of confidence in the President. I simply desire to say that that which is intended as the peculiar and exclusive function of Congress, the appropriation of money, shall not in any way be frittered away by conferring the same upon the President, even though what is done under it may not amount to any very large amount in the expenditure of money.

I simply desire before taking my seat, however, to ask the Senator from Iowa, under the suggestion made by him as to the payment of salary, whether he still proposes to retain the provision in the bill which fixes the per diem expenditure at \$15, or has he accepted the suggestion made by Senators for a reduced amount?

Mr. ALLISON. No; the committee believe, under all the circumstances that surround this commission, that \$15 a day is a fair compensation for all the expenses they incur, including traveling expenses. It is a liberal allowance, I agree.

Mr. COCKRELL. Has there ever been any officer of the Government allowed such a sum?

Mr. ALLISON. I think not.

Mr. COCKRELL. It is a dangerous precedent, then.

Mr. ALLISON. But there is no officer of the Government of whom I know who has ever been engaged in such a temporary service. For instance, we allow judges \$10 a day, covering their

expenses when away from home in the service of the court; but this is a temporary service and has to be performed under exceptional circumstances. Therefore I think, if the Senator will permit me, and I believe the majority of the committee think, that is a fair compensation. It is a liberal one, I agree, but we all expect that this work will be completed in from four to six months, certainly in six months. Therefore we can well afford to pay these gentlemen liberally not only for their services, but for their expenses.

Mr. BACON. Mr. President, I hope the Senator from Iowa will agree to such an amount as will command the entire unanimous vote of the Senate. We all desire that there shall be a liberal amount for this allowance, but the amount fixed by the committee seems to many of us to be excessive. I think it would be a proper illustration of the conservatism and liberality at the same time of the Senate, not only as to money, but as to sentiment, if in a matter of this kind there should be no division among us and we could all agree upon the bill to be passed.

This is a matter unique, without any parallel, arising, as it did, out of what was a great public emergency, and I might say a great public necessity. It would be very gratifying if the details of this measure should be so framed as to have no division among us as to what should be done. Speaking for myself, I desire to say that, while it was not warranted by law, I think the action of the President was one highly to be commended, and I believe that it was instrumental in the aversion of a very great disaster. Of course it was not within the scope of the power of the President to appoint the commissioners and clothe them with any powers or to make any contract with them, and I do not understand that he undertook so to do. The payment of this commission, as stated by the Senator from Arkansas [Mr. BERRY], is an entirely voluntary matter on the part of Congress, and while there is, as suggested by him, no legal obligation there is a very high moral obligation. So I should be extremely glad if the Senator from Iowa would so modify the amount proposed by him for expenses, as other matters of detail have been almost practically agreed upon, as to command the vote of the entire Chamber without division in the passage of this bill.

Mr. TILLMAN. Mr. President, I was not present in the Appropriations Committee when this matter was considered, and therefore I am more or less ignorant as to the reasons which governed that committee in its action. I have been struck with the cogency of the argument and position taken by the Senator from Maine [Mr. HALE], but there have presented themselves to my mind some other questions which are cognate, and I should like to ask the chairman of the committee, or some other member of the Senate who is willing, to give me information, or at least a guess, as to how many of these commissions we are going to have in the near future.

The coal strike was, of course, a very grave situation, precipitated by peculiar conditions, which, according to the newspapers, were caused by an absolute disregard and trampling under foot of the constitution of the State of Pennsylvania. The question as to the punishment or control of trusts or combinations of capitalists who seek to monopolize the necessities of life is one with which we are all deeply concerned, and we have various prescriptions, or attempts at prescriptions, for the disease, which all regard as a dangerous one, without anyone being willing apparently to make anybody take any physic. The last doctor that prescribed, I believe, merely wanted light—"publicity."

If we are going to stop short as a legislative assembly, clothed with the power, or supposed to be clothed with the power, to protect our constituents, I want to know when the next acute condition is produced by reason of these monopolies, whether the President is going to authorize the appointment of another commission, or rather appoint one, and then come to us with, you might say, the precedent established, as well as the unavoidable faith on his part that we will give him money in order that he may continue indefinitely to salve, to pour oil, so to speak, on this disturbed condition, to temporize with this unknown quantity in our public matters which assumed so threatening an aspect in the recent past.

Are we going to handle these things by commission, or are we going to endeavor to have an arbitration court appointed by the President without any authority other than a voluntary one assumed by his agents or those whom he requests to act? That is the view I should like to have some Senator express himself upon, and let us determine, while we are going along and laying down a rule, just how much or how little this thing is going to cost and how often we are going to be called on to take up the question of the settlement of the expenses of commissions appointed by the Executive contrary to the Constitution, and outside of his duty and authority, to deal with matters which belong to us peculiarly and which we shirk.

That is the condition, so far as I can understand it. I may be alone in my opinion, but it appears that we are dealing here in

a euphemistic or some kind of a soft-hearted way with a very serious disease. We are endeavoring to postpone the time when we shall have to stick in the surgeon's knife and cut out the ulcer. I confess I do not like poultices of this kind, and I should like to get some information from those who are in the class of rulers, those who control and direct the Government, those who are responsible for the situation and in whom the people have reposed responsibility and power, as to whether we are to go along during this session of Congress and do nothing more than this.

Will we merely turn on some "light," or pretend to open some window to give some light, or light a dark lantern to furnish light, or shall we repeat Diogenes's programme of going around to find an honest man or a brave man to take up and uproot this thing? Are capitalists who are monopolists and who seize upon the necessities of life and rob the people being, you might say, encouraged to do so by our failure to do what is our plain duty?

Mr. LODGE. I wish merely to ask the Senator from Iowa a question. Does he understand that the recorder is included among the commissioners?

Mr. ALLISON. I do so understand.

Mr. LODGE. He does not have to be specifically named?

Mr. ALLISON. He does not. The Commissioner of Labor, Mr. Wright—

Mr. LODGE. Yes.

Mr. ALLISON. Was appointed recorder, and then afterwards made commissioner, as I understand; so that the bill covers it.

Mr. HALE. There is no doubt about it.

Mr. LODGE. I observed in the proviso that the recorder was not mentioned, and I merely wished to inquire.

Mr. ALLISON. Mr. President, a word as respects the question of compensation and also respecting the amendment proposed by the Senate committee to the bill as it came to us from the House.

We regarded the precedent sought to be set here, of repealing those provisions of the Revised Statutes which forbid public officers from receiving compensation so as to allow them to receive double pay, as a mistake, and therefore we struck that out. Hence all those holding office must be content with their present compensation. I do not know, but I am of the opinion that the President of the United States would be very glad if we would relieve him of the duty of fixing the compensation of the remainder of the commissioners. I do not think he seeks that service or has any wish to fix the compensation.

I think that under the circumstances the President was justified in looking around and selecting the public officers whom he did select for this service. He does not pretend, as I understand, that this commission is authorized by law or that he had any authority under the statutes or under the Constitution, if you please, to appoint it. But he was confronted with what an eminent citizen once said was a condition and not a theory, and he undertook the solving of the problem of the anthracite coal strike when probably no other person could have done so. I believe the strike began as early as May.

Mr. KEAN. Yes.

Mr. ALLISON. The whole summer passed away with an endeavor to reconcile the differences between the laborers and the corporations owning the mines.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. ALLISON. I do.

Mr. TILLMAN. Is the Senator informed, or is he prepared to answer the inquiry, whether the coal combinations, the operators, are mining coal according to law? Have they trampled the constitution of Pennsylvania under foot or not; and if they have, was it in the power of the Attorney-General under the antitrust act of Congress to give relief; and if not, is it not the duty of Congress to clothe somebody somewhere with authority to relieve the people from such oppressions and dangers and discomforts and actual suffering as now exist by reason of this unlawful and unconstitutional condition?

Mr. ALLISON. Mr. President, that is a question which my mind fails to grasp at a single stroke. It involves so many questions, and so many questions which are not involved in the matter we now have before us, that I trust the Senator will excuse me from entering upon its discussion.

Mr. TILLMAN. Mr. President—

Mr. ALLISON. If the Senator will allow me, I think in a general way that this body has jurisdiction to deal by and large with the great question of corporations, as respects what are called trusts, etc., but that subject has no relation whatever to this appropriation. And I will say—

Mr. TILLMAN. Mr. President—

Mr. ALLISON. The Senator will allow me to answer him so far as I can. I will say to the Senator that I have no knowledge,

except that which is gained by general reading, of the statutes of Pennsylvania and the constitution of Pennsylvania. The Senator from Pennsylvania [Mr. QUAY] undoubtedly is entirely familiar with that subject. Nor have I any other knowledge of the condition in the coal fields than that gained by reading the newspapers.

I only know, Mr. President, that the anthracite coal field is embraced within an area, it is said, of about 450 miles. I know that it furnishes fuel for more than 30,000,000 people. I know that it requires or has required in the past from 50,000,000 to 60,000,000 tons to supply that want, and owing to the difficulties between those who own the coal and those who produce it from the mines becoming very serious, production ceased.

The President naturally took an interest in the subject. He tried in various ways to deal with it as a citizen. He asked the Commissioner of Labor to go into those fields and inquire into the situation. That fact I gather from the newspapers, and I believe it is published in the report. He tried so far as he could, as I suppose did every other citizen interested in the subject, to settle this question. Finally the President found, or believed at least, that if he would interpose he could secure in some way an adjustment of this difficulty.

He tried to bring the operators and the miners together, and they were brought together in a way. In the selection of this commission the President was largely, I am sure, governed by the conditions of the voluntary agreement made between the operators and the miners. In a general way they designated who should be appointed, and I have no doubt that accounts for the appointment of that eminent jurist, Mr. Justice Gray. I have no doubt we all agree that he, as chairman of the commission, will probe the facts to the bottom and will make a fair and just decision as respects the questions which have been submitted to the commission by the operators and the miners, and not the President, except in the way suggested by the miners and the operators.

Now, what is true of Judge Gray is also true of Commissioner Wright, who has made a life study of labor questions, and although he was a public officer, I think it was well enough that he should have been selected as one of the commission. So of Mr. Moseley, who is familiar with transportation matters. I have no doubt, Mr. President, that the President of the United States hesitated to make these selections from gentlemen occupying public stations, but he found, under the circumstances surrounding this special case, that they were the people who were satisfactory to the two sides to the question.

Now, the only point we have to consider is not what the future will bring forth, but whether or not this was a question of serious difficulty at the moment, and whether the President as an eminent citizen was justified in authorizing this tribunal, and then whether or not these eminent citizens did the right or the wrong thing in accepting this service. It is a remarkable service and it is an exceptional service, one that will occupy only a few weeks or a few months. I have no fear of any precedent being set by it.

Mr. MORGAN. May I ask the Senator from Iowa a question?

Mr. ALLISON. Certainly.

Mr. MORGAN. Would it not be a very much better plan to appropriate this sum of money, \$50,000, or whatever sum is requisite, as a contingent fund to the President of the United States, to be used in the domestic service? We are appropriating every year, and we appropriated in the last appropriation bill, I understand, \$250,000 for contingent purposes to the President, to be used in respect to our foreign relations. He does not have to account for it in any way, and Congress is not legislatively committed in any way at all to the application he may make of it.

So it seems to me in this case this honorable committee should prepare and present a substitute for the bill, providing that \$50,000 be appropriated for the contingent fund to the President of the United States for domestic uses or uses within the United States. Of course he would understand what it means. The difficulty I encounter, if the Senator will pardon me a moment, is this: We are starting upon a legislative recognition of this manner of settling disputes. If we establish the precedent and put some pretty high price upon the salaries of commissioners we may expect that disputes will originate for the purpose of having such arbitration and such payments made. So if we put the money in the contingent fund, I think it would be a very much safer course. I merely submit this to the Senator as my suggestion upon the subject.

Mr. ALLISON. The Senator suggested that to me in conversation a while ago, and it struck me as a very good way of reaching the question, but on reflecting for a few moments on this subject I think it would not be a wise thing, but would be the very reverse of it, because if we get into the habit of giving the President a sum for domestic purposes which he is not required to account for, I think it will be very difficult to get rid of such an appropriation.

As this is a domestic matter and an exceptional matter, as I tried

to show, I think there can be no precedent in this case, because there can be no other cases like it unless the same thing should happen again in reference to the anthracite coal regions. It constitutes no precedent. But whatever is done about it should be done in an open way, and whatever we appropriate we should appropriate as we appropriate for other extraordinary conditions; for a famine, if you please, or an overflow of the Mississippi River, or for any other great emergency which suddenly comes up and requires a large expenditure.

So I think we had better adhere to the plan we have suggested. I am willing that a specific sum shall be put in this bill for those who are not holding office, and I am quite content to take the suggestion made by the Senator from Maine as to the amount, although I think \$4,000 would be an ample allowance.

Mr. COCKRELL and Mr. TILLMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. COCKRELL. I yield to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, I have listened very carefully to the Senator from Iowa [Mr. ALLISON], and while he complained that I asked a long question and so many questions in a bunch that he would not undertake to answer all of them, I do not see that he answered any of them. And while I have always had the greatest admiration for that distinguished Senator, for the placidity and agility with which he pooh-poohs things sometimes and shoves them aside, I must confess that to my mind the substance of this whole contention has been more or less avoided by him—at least my contention.

I want an answer from that Senator or any other Senator who is willing to reply first as to the fact whether or not the coal barons, who brought on this trouble, are mining coal contrary to the laws and constitution of Pennsylvania; and if so, is there any existing remedy? I will ask that question as a concrete proposition. If the Senator from Iowa is ready to answer that question or is not ready to answer it, I would be glad for him to say yes or no.

Mr. ALLISON. Now, Mr. President, if the Senator will yield to me, he requires me to answer "yes" or "no," which I will respectfully decline to do. If he will allow me I will answer him in my own way.

Mr. TILLMAN. With pleasure I will listen to the Senator. I do not want to have the appearance of coercing—I could not do that—or of corkscrewing any statement from the Senator.

Mr. ALLISON. Certainly not.

Mr. TILLMAN. I merely desire, if I can, to have him, if he is willing, and if he is unwilling, any other man who is willing or able, to reply "yes" or "no" as to whether or not what I have asked is true.

Mr. ALLISON. I know that somebody is mining coal in Pennsylvania, and I know that they resumed the mining of coal after this commission was appointed, and as a result of that mining we are receiving coal here now at the rate of a few tons a week, which is being doled out to us.

The people who are mining that coal are, I presume, engaged in a lawful enterprise. If they are miners, they are receiving compensation. If they are owners, they are selling the product. Now, whether what they may be doing is in accord with the statutes and the constitution of Pennsylvania or in violation of them it is impossible for me to know, as I am not familiar either with the constitution or the statutes of Pennsylvania. That is as far as I can answer the question. But I can not answer him as respects the questions which he now submits unless it would be to say that the committees of this body having the subjects in hand are, I have no doubt, dealing with them as best they can.

Mr. TILLMAN. Mr. President, having failed to get from the Senator from Iowa the information which I sought, I now submit the question to any Senator and all the Senators on the other side. I am perfectly willing to get light from this side, from anywhere, as to the facts. Is it true that these unlawful combinations and corporations have seized on an article of vital necessity to the people in their everyday life and comfort, involving almost their existence; and are they making it so dear that the conditions now existing are so uncomfortable and so unpleasant and dangerous that we, who are face to face with it, content ourselves with assisting the President in putting on what I may term merely a poultice? I do not criticize the President for his action at all. I think it was very laudable, having no power as the Executive, he should endeavor to bring about some compromise or arrangement by which the people first should get coal. But does that relieve us of our duty to see that this thing does not happen again?

Mr. ALLISON. Does the bill propose to relieve us of our duty in any way?

Mr. TILLMAN. Oh, this bill, as I have characterized it two or three times, is merely the appropriation of money for a purpose, laudable in itself possibly, but merely as a confession of our imbecility or our inability or our cowardice to take the question

up and deal with it ourselves as it is our duty to deal with it. We are postponing and putting it off and leaving it to an unconstitutionally constituted commission, which we recognize and make lawful by our action here in appropriating money for it, and thereby set a precedent which, as the Senator from Maine has pointed out, is a very dangerous one.

I want to ask Senators if they are going to be content to have this session of Congress pass out of existence and end and leave the country liable to have another coal strike in the bituminous regions or in the anthracite and bituminous regions both, and enable those who may feel that they have the power and the right to monopolize that business or those producing facilities to lay the people of the country under tribute, and we who are the representatives and protectors of the people stand here idle and adjourn and go away and only turn on some "light?" We do not even, so far as I see, expect to get much light from this commission in time for the present session of Congress to do anything. These people will take testimony, under the ordinary experience we have had with such bodies, indefinitely. At least, we will certainly have gone away before we will receive any benefit whatever or any intelligence or any information from the facts which they will elicit. Their report will come to us next December. I should like to have—

Mr. MASON. Mr. President—

The PRESIDING OFFICER (Mr. ALDRICH in the chair). Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. TILLMAN. With pleasure.

Mr. MASON. I wish to make a brief statement in regard to what seems to worry the Senator somewhat, and possibly I can bring him peace of mind, and he may go on and let the Government pay for the commission which has been appointed, waiving the question as to whether the President had any power to do it. I simply wish to make the statement that it was done with the approval of all the people, and there can be no possible doubt that the people are entirely willing to trust the Executive to make due and proper allowance or compensation.

I want to say to the Senator that if he has confidence in the gentleman who now has the floor—and I am sure he has in some ways—I have prepared a bill which I intend to present to the Senate within the next few days and have referred to the Judiciary Committee, which, I think, will relieve his anxiety, temporarily at least. Without taking the time of the Senate to explain either the intention of the bill or its merits, I will say it simply provides that when these great mines are not being operated the Government of the United States, through its Attorney-General, may ask for the appointment of a receiver to operate the same for the benefit of the people; and under that clause of the Constitution which provides that we may pass laws for the general welfare, I believe it to be a bill entirely within the power of Congress to pass.

While I quite agree with the Senator from Iowa [Mr. ALLISON] that the matter has no special place in this discussion, yet when the Senator from South Carolina, in that vigorous way he has, turns to every gentleman upon this side of the Chamber and wants an answer, I feel that I owe it to myself to state that in response to the petitions of over 50,000 people in Illinois that bill has been prepared and will be submitted in good faith, and it will have the very best effort I can give to secure its adoption as a law of this country.

I think I can satisfy the members of the committee and the Senate that it is clearly within the power of Congress, under decisions already rendered by the Supreme Court, to pass such a law, so that the thing which the Senator from South Carolina now fears may not happen again. Then, when the time comes that, either through the cupidity of one side or the stupidity of the other side, the great mines of the country are stopped, the Government, as it has in many other cases, may go into a court of equity and ask for the appointment of a receiver, who shall operate the mines not in the interest of labor, not in the interest of capital, but in the interest of the third party, the public, accounting both to labor and capital in a proper way. I have answered the Senator, so far as I can, and I hope he will be satisfied and will let us pass this bill to pay the obligations we have already incurred for the distinguished men who are now giving their services.

Mr. TILLMAN. Mr. President, as between the distinguished Senator from Illinois and a distinguished gentleman, formerly a Senator from New York, one of whom proposes to seize the mines and operate them by the Government and the other of whom proposes to buy them and control them absolutely, I will not enter upon a discussion of the ownership or control by the Government, by orders of courts of equity or from other sources, of the coal mines. I hope to get a reply from somebody in denial of the oft-repeated assertion which we hear every day or have heard for months that the coal barons of Pennsylvania are now and have been operating those mines contrary to the constitution and

laws of that State, and I wanted somebody somewhere to tell me whether or not under the Sherman antitrust act the Attorney-General of the United States could have gone into some court somewhere and given relief.

I still wait for an answer to that inquiry. First, is the statement true as to the unconstitutional possession and working of these mines? Secondly, if it be true, is there in existence a statute which would enable our Attorney-General to give the people relief?

Now, I have two prongs up here in the air, and any gentleman who wants to get on either of them is welcome. I will not say that they are the prongs of a pitchfork, but they are certainly problems. They present a dilemma, and I still ask for a reply to either question, or both, from the assembled wisdom and the trusted agents of the people who, in the last election, were authorized to continue possession and administration of the Government. If the people are satisfied with this condition, as they seem to be, I surely am not dissatisfied, or I have no right to be.

I have no criticism to make of the President for endeavoring in his capacity as a public official, as well as an eminent citizen, to bring about some condition of amelioration. I am ready to pay the men who have been appointed anything reasonable and proper, but I do not get any light or any encouragement to hope that there will be any relief from the conditions which produced this situation and which may produce another.

I would ask, further, if it is the purpose to encourage the obtaining of information and the reaching of some basis of compromises between labor and capital, why it would not be a good thing for the Congress to have a commission, constituted under its own regulations and with its own instructions, to take up this whole question of the conflict between labor and capital and the combinations which exist now, the destruction of competition by monopoly under the protection of the tariff, and all those things, and let us see whether some scheme of practical relief and statesmanlike dealing with this subject can not be reached.

Mr. COCKRELL. Mr. President, I hope the Senator from Iowa will accept the amendment and agree to reduce the per diem expenses to \$10 a day. I claim that \$15 a day is an outrageous price. It is more, and we know it, than any one of those men will expect. They are not occupied every day. They are at home several days at a time. They do not have to travel any great distance. If we establish the precedent of paying over \$10 a day for the expenses of any officer of the United States it is a dangerous one and will come back to haunt us hereafter.

We provide a per diem for a great many officers and the per diem for traveling expenses is an enormous charge upon the Government. In order to prevent the necessity of every little item being subjected to the scrutiny of the accounting officers of the Treasury Department, who would suspend about two-thirds of the accounts that would be presented as not being necessary, we fix a given amount.

There are persons who are in the service of the Government on very important interests who are traveling all the time—there is scarcely a day when they are not traveling—and not one solitary one of them gets over \$10 a day, and very few get \$10 a day. The rule is \$3 and \$4, and some few of them get \$5 and pay their expenses. The highest per diem for expenses is given to United States judges, and that is when they are away from home.

Mr. BACON. And that is limited.

Mr. COCKRELL. That is limited, not exceeding \$10 a day. But here, when men are performing duties within a short distance—most of them, at least—from home, we are setting a precedent that is dangerous. I can not vote for it, and I will not do it under any circumstances.

Mr. McLAURIN of Mississippi. Mr. President, I desire to make a suggestion to the Senator from Iowa in charge of the bill. I see by the bill as it was proposed to be amended by the Senate committee there is provision made for the payment of the expenses of the members of the commission who are not officers in the civil or military service of the Government, but there is no provision made for the payment of the reasonable expenses of the employees and assistant recorders. It seems to me that it is proper—

Mr. ALLISON. I will say to the Senator from Mississippi that the Senate has already adopted an amendment providing \$10 per day each for the assistant recorders.

Mr. McLAURIN of Mississippi. I did not know that that had been done.

Mr. ALLISON. That amendment has already been adopted.

Mr. McLAURIN of Mississippi. I have an amendment which I wanted to offer, to make some provision for the clerks.

Mr. TELLER. Mr. President, it seems to me the debate is getting a great way from this simple appropriation bill. What struck me was that we ought to fix the salary absolutely. I do not care myself to go into a discussion of the power of the President in this matter. The President found a very unpleasant condition existing. Nearly 150,000 men quit their labor last May and con-

tinued away from work until October. The controversy was whether they were being properly compensated for their labor. That was a question between the operators of the mines and the people. I do not understand that the President claimed, as President of the United States, the slightest authority. On the contrary, he disclaimed it. Simply as a citizen, I understand, he approached this subject. I happen to know that just at that time a very distinguished citizen of the State of New York had attempted to do the same thing—to negotiate, as he thought, with some prospect of success. Whether or not his expectations would have been realized no one knows.

I believe everybody in the country was delighted when the President of the United States used his great influence to bring about some arrangement between the coal miners and the coal operators. I was not present, of course, and I do not know, but I think the President must have been a man of a good deal of patience and good temper that he did not lose his temper by the way he was treated by the coal operators, and if the laboring people had not been better represented by their representatives than the coal men seemed to be, it appears to me that there would not have been any arrangement made.

I do not know what the power of the President may be to appoint a commission. I think he may appoint a commission for acquiring information, perhaps, whenever he sees fit. Of course, he has no power to pay the commission. That is a question to be determined by Congress. If we think the commission was wisely and properly appointed, there is a moral obligation at least to make proper compensation and provision for the support of the commission.

I do not know whether the coal operators of Pennsylvania are violating any Pennsylvania statutes or the constitution of the State, and if I did know that they are doing it I am not sufficiently informed myself as a lawyer as to the method by which we are to resent their failure to comply with the statutes or the constitution of Pennsylvania. That seems to me to belong to Pennsylvania, and I doubt very much whether under the general welfare clause we can invade the jurisdiction of Pennsylvania and take it out of their hands.

I suppose we might amend the Constitution and provide for all such things, but we have not done that. However, the President appointed a commission which it has been said is satisfactory to everybody. I have heard no complaint of the commission myself. I think the President was somewhat restricted in appointing the commission, owing to the fact that both sides put a limitation upon the character of the appointees. Therefore, the President, perhaps, did not make such a selection as he might have made. Yet I do not think anyone ought to raise any question about the selection. They are able men, they are good men, and they are doing an excellent service for the Government and for the country.

I do not know whether, as has been suggested, there is to be a repetition of this strike. I do not know, if that is to occur, but that the sovereignty of Pennsylvania may be called into operation to take the property out of the hands of these people and put it into the hands of the State or somewhere where the public will be properly relieved. But none of those questions are here now. The only question before us is as to whether we will make proper compensation to the members of the commission, who have left their business, and some of them their private business, to perform this duty.

I think the public ought to feel a sense of gratitude to some of the gentlemen who have gone on that commission and who have entered upon a very unpleasant service, and have done so simply in the interest of the public. I do not think we ought to higgie very much about the price we shall pay them. I should like to have it fixed, because I do not believe in allowing the President or anybody else to fix salaries. That, in my judgment, belongs to Congress.

I think it would not be out of the way to put a moderate restriction as to the time when the commission shall report; not because I am afraid of this commission, but as a general principle I think the appointment of commissions ought not to be for an indefinite time. It ought to be fixed and determinate. But all those things ought to have been considered and determined in the committee.

It seems to me that the best thing we can do is to accept the proposition which I now understand comes from the chairman of the committee—fix the salary definitely, at least so far as the amount is per day, and quit. If we give these people \$10 a day or \$12 a day, which I think was the last suggestion, we will give them only a trifle over \$4,000—\$4,380—provided they sit a year. If we should give them \$15 a day we would be paying them \$5,475 per annum. The commission is one of great importance and some of the men on it of such character that I believe it will actually be a sacrifice to them if we give them \$15 a day. I do not believe we should go beyond a reasonable compensation for this public service, and I think we had better not attempt to bring into this discussion very difficult and unsettled questions, and question

which will be unsettled for a long time, as to trusts, etc., but we should dispose of this one question as a business proposition and quit.

OMNIBUS STATEHOOD BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. ALLISON. I ask the Senator from Pennsylvania [Mr. QUAY] having charge of the regular order, or at least who is pressing it, whether he will not consent now to finish the Coal Strike Commission bill? I think it can be closed up in a short time.

Mr. HALE. Temporarily laying aside the pending bill.

Mr. ALLISON. Yes; temporarily laying aside the regular order.

Mr. QUAY. I regret to say that I feel it to be my duty to resist the request of the Senator from Iowa for the present. I think, however, later in the day he will have an opportunity to complete the bill he has in charge.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The bill which is the unfinished business is before the Senate as in Committee of the Whole and open to amendment.

Mr. QUAY. We are ready for a vote. What is the question upon the bill, Mr. President?

The PRESIDENT pro tempore. The amendment of the Committee on Territories having been withdrawn, the question is on the bill as it came from the House of Representatives.

Mr. JONES of Arkansas. On the passage of the bill.

Mr. QUAY. Let us have the question.

Mr. BEVERIDGE and Mr. NELSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Indiana.

Mr. BEVERIDGE. Mr. President, do I understand that the Senator from Pennsylvania is ready now to go on with the discussion of the bill which he champions?

Mr. QUAY. We are ready to proceed to vote now on the bill and pass it finally this afternoon, if a majority of the Senate are in favor of it.

Mr. BEVERIDGE. I did not hear the Senator.

Mr. QUAY. I said that the friends of the bill now pending are prepared to take the vote upon it this afternoon and pass it finally this afternoon, if the gentlemen who are opposed to it are ready to proceed to the issue.

Mr. BEVERIDGE. Mr. President, all the majority members of the committee, and in addition to them a number of other Senators, desire to address the Senate upon this measure and upon the substitute which was yesterday withdrawn with notice that it would be at a later time offered. I do not suppose the Senator means that he and those who are with him are willing or desire to stand up and be counted upon a measure of so grave consequence without regard to the facts in the case or the arguments upon them. The reason why I can not understand that to be the Senator's attitude is that that would be to pay to those who are with him a sorry compliment.

Mr. GALLINGER. Not at all.

Mr. BEVERIDGE. The view that is taken by ourselves, and which is, I suppose, shared by the Senator from Pennsylvania, is that this is a measure which, without unnecessary delay, ought to be and will be discussed in good faith, each Senator who desires to lay before the Senate his views upon the matter having an opportunity to do it. That, at least, Mr. President, is the attitude of the majority of the committee.

With reference to those who wish to speak upon this measure, every member, as I said, of the majority of the committee desires to express his views. Possibly the Senator from Vermont [Mr. DILLINGHAM] will open the debate upon our side. He was ill the first two days of the week, though able to get here, and is to-day ill in bed, although he is making such preparation as circumstances permit. Every member of the majority of the committee has been at work with a diligence to which even the Senator from Pennsylvania will testify, and they have also been at work faithfully preparing to present to the Senate their views upon this question. Some of them are here, and will speak for themselves. The Senator from Minnesota [Mr. NELSON] who offered the committee substitute desires to address the Senate. The Senator from New Hampshire [Mr. BURNHAM] is now preparing for the same purpose. Outside of the committee a number—I may say a large number—of Senators have expressed to me their desire to address the Senate so soon as they can possibly examine the facts in the case, the data on both sides to which they have access, and the report of the committee.

But none of them, Mr. President, are ready to proceed to-day.

Both reports were made but yesterday. The evidence in support of the report of the committee was ordered to be printed yesterday and the printing will not be done until to-night. So there has been no opportunity, as the Senator will readily see and as the Senate will see, for any person to inform himself upon this question. Therefore, we are not ready now to proceed. However, I can say to the Senator from Pennsylvania, and to the rest of the Senate, that without any unnecessary delay at all, but with all diligence, Senators who desire to address the Senate upon this measure will do so at the earliest possible moment.

Mr. QUAY. Mr. President, I have no reply whatever to make to the insinuation that the friends of the bill are ignorant as to the conditions in these Territories or that they are expected to derive wonderful light on the subject from the report of the majority of the committee. As to me, as I said before, I understand the position as well as does the Senator from Indiana or his colleagues of the majority of the Committee on Territories, and I am ready to vote now. I am inclined to the opinion that a majority of the Senate, who are in favor of the bill, are sufficiently intelligent and well informed to act upon it this afternoon.

There is no desire, however, to unduly press the Senator from Indiana or the majority of the Committee on Territories into a discussion of the bill if we can have any assurance that at any time in the near future we shall have a vote upon it. If we can not do this, but have to fight constantly for a vote, we may as well fight this afternoon. If the Senator from Indiana will name any time in the future—I will not say even in the near future—when a vote can be reached upon this bill, I am ready to agree to any date he may suggest.

Mr. BEVERIDGE. The Senator says, "if they have to fight constantly for a vote." In answer to that, I think it is proper for me to say that that is hardly appropriate now, when the discussion has not yet begun, nor has there been an opportunity for it to begin.

I have said to the Senator that this measure shall proceed without unnecessary delay, except such as is required by Senators to express their views and prepare to express them. The Senator knows, and no one so well, that it would be perfectly impossible at this day, and a thing perhaps unprecedented in the Senate, certainly so during the very brief time I have been here, that at the beginning of a discussion, before a single speech has yet been made on either side, a day should be fixed when the vote shall be taken. It is perfectly impossible for the Senator and myself, or any Senator, to say how many Senators desire to speak, how long they wish to speak, or what preparation they require. The only thing that the Senator should require from me and that he has a right to require, and I recognize it without his asking, is that the matter shall proceed as rapidly as Senators can prepare to present their views. It is manifestly impossible at this time for any person to intelligently fix a day for the final vote.

Mr. LODGE. Mr. President, I have not the honor to be a member of the Committee on Territories, but in the few years I have been here I have seen a great many bills brought into the Senate which there was great anxiety to pass with speed, and I have seen a number of very hardly contested bills in which there was great interest felt on one side or the other. But I confess that this is the first time I have ever heard a request made to fix a time for a vote and to insist upon the discussion of a bill when the report of the committee is not even yet in print, nor is the testimony which the committee has taken in print.

This bill may be a perfectly simple one and one that ought to go through on reading, but it would seem to me to be a measure of great importance. I do not desire to be unreasonable at all, but I should like to have an opportunity to read the report of the committee. I should like to have an opportunity to read the minority report. I should like to have an opportunity to look at the testimony.

It seems to me that the admission of three States into the American Union is a matter of sufficient importance to allow us a reasonable time to inform ourselves. I have had neither the time nor the opportunity as yet. I should like not only to look into the question, but I hope to discuss it, if my views remain as to two of the Territories what they are to-day. However, it is utterly out of the question for me to deal with the subject, upon which the report of the committee is not yet upon our tables and the testimony in regard to which is not yet printed.

I am sure that I sympathize with the impatience of the Senator from Pennsylvania. At the last session there were two bills which fell to me to take charge of. One was the Philippine tariff bill, a measure as simple as possible. The other was the Philippine government bill, which was a measure not only of much importance, but of large complication. We spent twelve weeks in discussing those two measures. The Senators who had charge of the minority measure were kind enough to say at the end of the discussion that they thought I had been considerate in the matter of debate. But, whether I was considerate or impatient, I

certainly did not come into the Senate and ask the Senate to fix a time to take a vote before a report had been printed, before a line of the testimony was in print, or before a single speech had been heard.

It seems to me that it is a well-recognized privilege of the Senate that the members of a committee who are presenting an important measure of this kind should have at least the opportunity to defend their report, and it does not seem to me that the suggestion of the Senator from Indiana is unreasonable at all. I have not the least desire to delay this bill unduly; far from it. I should like, however, to have an opportunity to examine the facts and the report and an opportunity to prepare myself to speak upon it, as I hope to do.

Mr. BATE. Mr. President, speaking for the minority of the committee, I desire to say that they are ready to vote now on this question. They feel that they are sufficiently informed. And a majority of those on the other side of the Chamber are ready to vote now. We do not desire, however, to suppress any discussion that may be desired and that may be proper to be given on either side of the Chamber, but we certainly ought to facilitate this matter.

I appreciate what was said by the Senator from Massachusetts who has just taken his seat, when he said we ought to have the report here to examine and to learn the facts in connection with this matter. I think so, too.

It will be remembered, Mr. President, that on yesterday, and even on a former occasion, I asked that the report from the committee should be made, in order that the minority—and I am one of them—might make their minority report. Now, that report was made yesterday, and it was read. Nearly an hour and a half was spent, or two hours, in the reading of it. That report has gone to the printer. It is not in the RECORD. We have not seen it and can not see it, notwithstanding I have been urging it. How can the minority reply to a report that has been presented by the majority, if they desire to do so, unless they see that report? To my surprise, after having been read yesterday, instead of being published, as I think it should have been, in the RECORD, I find right at the termination of this question yesterday by the Senate the following note:

[The report is withheld for revision and will be published hereafter.]

Giving no indication as to when it will be published I should like to have the Senator from Massachusetts gratified in seeing that report and to hear the minority report, but he can not expect the minority to present their report until all the points are shown them in the report of the majority, which, as I said, was read yesterday, but it is not published.

Mr. HALE. Mr. President, I think we all understand that, whatever may be said outside about the Senate, in the end on all important matters we do business. We take our way of doing it. The newspapers say we ought to have the previous question. We do not think so, and in our own way, after full discussion, we never fail to come to a vote upon every contested large matter.

It is rather the habit to say that the Senate is too much of a deliberative body; that it wastes time in speech-making; but the record shows that out of it the Senate's way is a good way to do the public business. We do not have the crowding, the forcing, and obliging men to vote without discussion that they have in some other bodies. Not only have we no previous question, but nobody undertakes on a controverted question to push matters unduly and to the inconvenience of Senators.

I am sorry that the veteran Senator from Pennsylvania [Mr. QUAY], in charge of this bill, has intimated that he can not consent to any further delay for debate, and that if a Senator is ill and can not speak, we shall not adjourn—

Mr. QUAY. The Senator is mistaken. I did not so intimate.

Mr. HALE. The Senator's general intimation, while he did not refer to the Senator from Vermont being ill, was that his side was ready for the vote this afternoon, and he suggested what I think must have struck every other Senator as it did the Senator from Massachusetts, as a remarkable thing, that now, before the lists are open, we should agree upon a time when the vote shall be taken; and I am sorry that the venerable Senator from Tennessee [Mr. BATE], urging against any kind of reasonable delay, should say to us that his side of the Chamber wanted to vote now.

Why, Mr. President, that side of the Chamber is more interested than any other Senators here in not being unduly pushed or crowded. There have been times heretofore, and there will be times hereafter, when that Senator and other Senators upon the minority side, the Democratic side, will be appealing to this side not by force of arms to push the decision of a matter until it has been thoroughly exhausted by debate.

Mr. BATE. The Senator does not quote me correctly when he says that I said that we were ready to vote. I meant after discussion.

Mr. HALE. I do not understand that the Senator made any

threat, but he said his side was ready to vote now and willing to go upon record.

Mr. BATE. I said distinctly that we on this side are not divided on this question, however it may be with Senators on that side.

Mr. HALE. I am quoting the Senator correctly in saying that he said his side was ready to vote. I was sorry that he should say that, because I have never been in favor, when the lines were drawn the other way and the Senator was in the minority, of not giving every opportunity for debate.

Now, here is a remarkable case—I appeal to the good sense of the Senators—which has just come up for action. No one has had any chance whatever to examine either of the reports. I have not. I know I can say nothing to illumine the subject, but I am very much interested in it, and I want to help discuss it. I have not seen a shred of testimony. I am not ready, nor can any Senator be ready, to act upon this matter now.

Mr. President, we have been ready for a speech to-day, which would have taken perhaps only an hour or two. If the Senator from Vermont [Mr. DILLINGHAM] had not been ill and had been able to be here he would have been ready to open the debate, as properly he would as representing the majority of the committee.

Now, what we ought to do is not to let any person have his own way in this matter. We are situated here where we want to get at the facts, and want the time to do it, not that we expect to prevent a vote, but we want time to present to the Senate and to the country the reasons why some of us think this is a wrong bill. There are a thousand things that are pushing upon Senators; they have business before the departments, and the thing for us to do, and what we ought to do, is to adjourn over from to-day until Monday, and then let everybody be in readiness with his speech, and let it be understood that Senators shall then be ready to debate this question.

Mr. JONES of Arkansas. Will the Senator allow me a suggestion?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. I did not understand the proposition of the Senator from Pennsylvania [Mr. QUAY] as the Senator from Maine [Mr. HALE] evidently understood it. I did not understand the Senator from Pennsylvania to insist on a day being fixed for a vote, but what I understood him to say was that if there was any assurance that we could have a vote in any reasonable time he would not insist upon the bill being kept constantly before the Senate. We are assured by the chairman of the committee that we shall have debate, but it seems to have been carefully avoided on the part of the Senators who are on that side of the question to make any statement that there should be a vote.

So far as I am concerned, I do not think there ought to be any effort to suppress debate. I believe that every member of the Senate who wishes to discuss the question ought to have an opportunity to do so; but we all know that if both sides on this question are willing to say there shall be a vote in a reasonable time that will mean a good deal; and I believe that was what the Senator from Pennsylvania asked for.

Mr. HALE. Has the Senator ever known, in his large experience, that the Senate has been asked in any way to designate the time when a vote should be taken upon a subject-matter that had not been up? It seems to me to be rather unduly pushing matters that before a question is even up, before it is opened—

Mr. JONES of Arkansas. But a good many months ago the Senate agreed that this bill should come up on Wednesday of this week.

Mr. HALE. It has come up.

Mr. JONES of Arkansas. It has, in a way. It has been made the regular order; but the committee has not been ready to take a solitary step in the matter. While there has been a technical compliance with the agreement, the bill has not been before the Senate in the sense of being ready for consideration and discussion.

Mr. HALE. It could not be before the Senate until yesterday.

Mr. ALDRICH. Will the Senator from Maine allow me?

Mr. HALE. Certainly.

Mr. ALDRICH. The Committee on Territories were instructed to investigate this question, which they have done thoroughly, as I understood. The testimony and report were submitted to the Senate for the first time yesterday, and no Senator here has had an opportunity of even reading it.

Mr. JONES of Arkansas. The report was read to the Senate.

Mr. ALDRICH. The report was read to the Senate, but the testimony has not been read, and no Senator knows what is in it.

Mr. JONES of Arkansas. If the Senator will pardon me a moment further, this is exactly the condition, as I understand it. The Senator from Pennsylvania, or some one, grew apprehensive from this indefinite talk of a vote as being in the future, without a solitary word being said by any man in the Senate that there

should be a vote at any time between now and the 3d of March. So far as I am concerned, if the chairman of the committee, the Senator from Maine, or the Senator from Rhode Island will say that there shall be a vote on this question by the 3d of March, it would be considered quite a boon so far as my own individual feeling is concerned.

Mr. HALE. The Senator knows that as to a measure which has not been launched, in charge of the Senator from Indiana or anybody else, or if the Senator from Arkansas was in charge of a tariff bill, or if he were opposing a tariff bill, he would not want to state that there should be a vote at a certain time before the bill had been discussed. Nobody expects to get a vote on this bill to-day or to-morrow. Here we are confronted with the fact that the Senator who expected to make a speech is ill. To-morrow will be Friday and the next day Saturday. There is no end to the business that Senators have to attend to in the early part of the month of December at the departments. I have never known any instance thus early in a session when we did not adjourn over from Thursday until Monday to give Senators an opportunity to attend to departmental business. On Monday we can come in here and let the Senator from Indiana and the Senator from Pennsylvania fight it out on the bill. That is the fair thing.

Mr. JONES of Arkansas. As suggested by the Senator, I will say that were I in charge of the opposition to a bill and were I satisfied that I was in the minority, that my side would be beaten on a vote, and I was very much in favor of beating the bill, I would resort to exactly the tactics that are now being adopted in regard to this matter.

Mr. HALE. This is as to debate and not as to tactics. The tactics have not yet begun. [Laughter.] We are simply asking now that the Senate do what it invariably does in a case of this kind.

Mr. HOAR. May I interrupt the Senator from Maine to ask a question?

Mr. HALE. Yes.

Mr. HOAR. I have been out of the Chamber, and perhaps what I ask has been stated already; but I understood the Senator just now to say that the Senator who was ready to speak to-day is ill. Now, I ask the Senator from Maine if the Senator who was to speak is not the member of the committee who had charge of opening the debate and explaining the views of the committee to the Senate?

Mr. HALE. It was settled that the Senator from Vermont should open the debate.

Mr. HOAR. I did not know that had been stated.

Mr. HALE. I did not state that.

Mr. President, I am inclined to see what the Senate thinks at this particular stage, under these conditions, of insisting upon going on, by moving that the Senate, when it adjourns to-day, adjourn to meet on Monday next.

Mr. QUAY. I rise to discuss that question, Mr. President.

The PRESIDENT pro tempore. It is not debatable.

Mr. QUAY. It is a motion to adjourn to meet on Monday next, and not a mere motion to adjourn.

The PRESIDENT pro tempore. The Senator from Maine [Mr. HALE] moves that when the Senate adjourn to-day—

Mr. HALE. I will withdraw that motion if the Senator from Pennsylvania desires to speak. We have been talking on in this informal way; I do not want to shut the Senator off, and therefore for the present I withdraw the motion.

Mr. QUAY. My understanding was that gentlemen upon this side of the Chamber and gentlemen upon the other side had agreed that there should be a session to-morrow. Now, what is the exact proposition of the Senator from Indiana—to go on to-morrow?

Mr. BEVERIDGE. No, Mr. President, I have made no proposition. I have simply stated the condition, and stated that it is the expectation of the members of the committee to proceed just as soon as they can get ready to address the Senate. Some of the Senators on the committee are here now, and I have no doubt can speak for themselves. I see other Senators here now who have told me they intended to address the Senate on this bill. I have made no proposition, but I have stated the conditions. Senators will go on at the earliest possible moment they can prepare to do so and without unnecessary delay, but they are not ready to go on now.

Mr. QUAY. Mr. President, this bill has been made the regular order, the unfinished business. My actual intentment when the arrangement was made and the actual agreement made, not probably on this floor, but outside, was that it should continue in order until it was disposed of and be displaced by nothing. That was in June last. From that day to this these gentlemen have been considering this question, and if they are going to debate it in the Senate, they certainly ought to be ready now.

The question is not a new one; it is not unknown to the country or the Senate. For fifty years New Mexico has been hammering here for admission, and for fifty years its clamor has been

heard in the Senate almost winter after winter. As to the admission of the other Territories, that question was thoroughly considered in the national conventions of both parties and argued out before the American people, and it is remarkable, it is wonderful, that the Senator from Indiana [Mr. BEVERIDGE], who was a delegate in the Republican national convention of 1900, and the Senator from Maine [Mr. HALE], who is familiar with all that transpired in this body, and the Senator from Massachusetts [Mr. LODGE], who presided in that national convention and put the question on this resolution for the admission of these Territories, is not now ready to proceed to debate the question and has not yet made up his mind whether he was right or not in advocating and supporting that measure in that convention. If the Republican party in their platform can lie to the people about the admission of the Territories, they can lie as to any other proposition in their platforms and are unworthy of popular confidence.

The air is full, Mr. President, of rumors as to the method of the defeat of this bill. It is rife in the corridors around the Senate that it is to be defeated, not by votes, but by obstruction; that from day to day debate is to be postponed or protracted until the patience of the advocates of statehood is wearied out, until one by one its votes are picked off, until other great questions, appropriations, trusts, probably national questions come before the Senate, which will force it to the rear. It is therefore not surprising that those who think with me on this question insist upon using every practicable moment that we can possibly consume in its consideration.

As to the suggestion of the Senator from Massachusetts [Mr. HOAR], that the Senator from Vermont [Mr. DILLINGHAM], who is to be put forward in assertion of the views of the majority on this bill, is unwell and unfit to proceed, that is, of course, an argument that appeals to the personality of every Senator. I do not wish to attempt to force a debate under these circumstances, but I think there ought to be some understanding, or some agreement with the Committee on Territories as to the actual course of proceeding upon this bill. It is now before us, and under the agreement will be before us from day to day, and it ought to be discussed and disposed of as soon as possible. That was the agreement of the Senate.

As to the motion to adjourn over to-morrow, we may as well take a test vote upon that motion as on any, to ascertain what this agreement of the Senate is supposed to have meant. If the Senator wishes the yeas and nays upon the motion, I am willing.

Mr. PROCTOR. Mr. President, as the illness of my colleague [Mr. DILLINGHAM] has been referred to, I would state that for two or three days he has been quite indisposed, and last night he called in a physician. From what the physician says, I think that within two days he will be all right again. He will not be ready to speak to-morrow, but his physician says that his indisposition is such that it will require only a day or two of rest and treatment to remedy.

Mr. FORAKER. Mr. President, I think we can all appreciate the situation, as it has been explained by the Senator from Indiana [Mr. BEVERIDGE]. I think we can all understand that there will really be no time lost in the consideration of this bill if we can now agree that it shall go over until Monday, to which time it is proposed by the Senator from Maine that the Senate shall adjourn when we adjourn to-day. That will give everybody an opportunity to read all of these reports; and I think that is important, for while it is true, as the Senator from Pennsylvania [Mr. QUAY] has stated, that this is an old question with which we are all in a general way familiar, yet it is true that it is now presented somewhat differently from what it has ever been presented before.

We have a very elaborate report, which was read at the desk only yesterday. I heard a part of it. Our attention has been called to the fact that it does not appear to-day in the RECORD. I presume it will appear in the next edition of the RECORD, and the Senator from Indiana confirms me in that opinion. I should like to read that report. I expect to take some part in the discussion of this question. I should like to be familiar with all of the facts as they are to be presented on this hearing. I want to know what is in the report that was read yesterday and what is to be in the other reports that are to be submitted. So I hope the Senator from Pennsylvania will agree that we may adjourn over until Monday, and that this bill shall be taken up on that day with the understanding—and that certainly will be fair—that on Monday we shall be ready to proceed with it and discuss it and continue to discuss it from day to day until we get to a vote in the ordinary way.

Mr. COCKRELL. Mr. President, I notice in the RECORD that the report of the majority of the committee, which was read yesterday, is not printed, but a note by the reporter explains that it is withheld for correction. I do not exactly understand that. When a report has been written and read to the Senate, it ought to appear just as it was read.

Mr. BEVERIDGE. I can enlighten the Senator upon that point, Mr. President. The report, I have no doubt, will appear in to-morrow morning's RECORD. I call the Senator's attention to the fact that there were a large number of tables of figures in that report, which, on account of the limited time that the committee had, were gotten immediately and put in as soon as they came from the Department. I wanted to see that all of those figures were compared and verified, because I do not know whether the stenographer made any mistake or not. They were gotten just as fast as might be. Besides, I did not myself get an opportunity until 12 o'clock last night—I do not know why the reporter put in that it was withheld for revision; but it was his own motion—to look over the proofs, as I always do, and, I presume, as the Senator from Missouri always does. There will not be any delay in the printing of the report, and, further, the report ordered to be printed yesterday, on the suggestion of the Senator from Iowa [Mr. ALLISON], I think, will be done by to-morrow; and even if the proofs are not ready the testimony will, I think, be printed by to-morrow, anyhow. The Printing Office has not gotten through with it.

Mr. COCKRELL. Does the Senator think, then, that the report will be printed so that it can be seen to-morrow?

Mr. BEVERIDGE. Oh, yes; not only in the RECORD, but also in more convenient and larger form.

Mr. COCKRELL. How about the minority report?

Mr. BATE. We will bring that in as soon as possible. The report of the majority of the committee seems to have been kept out of the RECORD for the purpose of revision, but I do not know that there is any authority for doing that. After a report has been read to the Senate, it seems to me, it passes from the hands of the committee and can not be withheld for revision.

Mr. BEVERIDGE. Well, that has been explained as clearly as it can be.

Mr. BATE. Pardon me. As to the minority report, as soon as we get hold of the revised majority report we shall at once go to work upon it, and I think we shall have it ready to print on the next morning or the morning after.

Mr. COCKRELL. Mr. President, I want to make a suggestion to facilitate business. I do not think this is the time to fix a day when this question can be voted upon. I do not think that has ever been done; but we ought to be able to fix now the time when we can get the information which all Senators desire for the discussion of this question.

Mr. BEVERIDGE. I think it will be in print to-morrow.

Mr. COCKRELL. Then I think we ought to adjourn over until Monday. But if we adjourn over until Monday and the minority report has not been made, it will not be in print, and will not even be presented to the Senate, unless leave is given to present it and have it printed in the meantime.

Mr. BATE. I have already gotten leave to print it at any time during the proceedings on this question. I will prepare it as soon as the report of the majority is printed. I think it will be ready in time to appear in Sunday morning's RECORD.

Mr. BEVERIDGE. There will be no objection, so far as we are concerned.

Mr. COCKRELL. I want to have an understanding, so that we shall have no trouble. I do not think it unreasonable under the circumstances to ask that this matter shall be postponed until Monday. There never has been any trouble heretofore to pass any measure that ought to be passed by the Senate, and I think we shall be able to act upon this bill without any trouble when full and fair opportunity has been given to Senators to be heard upon it.

Mr. QUAY. This measure, Mr. President, ought to pass; yet the Senator from Missouri [Mr. COCKRELL] will find that it will not pass without a great deal of trouble, unless I am mistaken about its future progress in this Senate.

I have said, however, that the suggestion of the Senator from Massachusetts was one that appealed to the personality of every Senator. The Senator from Vermont [Mr. DILLINGHAM] who was to lead the debate is sick. There is no question as to whether or not we ought to otherwise proceed; but he is sick abed. If that is the case, and if it is the fact that he can not be in the Senate to-morrow to initiate the debate, I have no objection to the bill going over until Monday afternoon and then coming up in its regular order; but I will expect the opposition to the bill to have some one ready to take the floor on Monday, and I will insist on a vote if there is any further delay.

Mr. HALE. I think the Senator from Pennsylvania is right about that. There ought to be somebody ready to go on with the debate on Monday, and I have no doubt somebody will be found to do so. Therefore, I now move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. QUAY. Will the Senator pardon me a moment?

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Pennsylvania.

Mr. HALE. Certainly.

Mr. QUAY. While I consented that the bill might go over, I do not want the status of the bill interfered with.

The PRESIDENT pro tempore. The bill will remain the unfinished business if it is in the power of the Chair to keep it there; and the Chair thinks it is.

The question is on the motion of the Senator from Maine [Mr. HALE], that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

Mr. QUAY. I desire to have an order made that the statehood bill be reprinted as it now stands before the Senate.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for a reprint of the bill known as the statehood bill. Is there objection? The Chair hears none, and the order is made.

ANTHRACITE COAL STRIKE COMMISSION.

Mr. ALLISON. Mr. President, I ask unanimous consent that the regular order may be informally laid aside so that we may proceed with the appropriation bill which was under consideration.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 15372. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners.

The PRESIDENT pro tempore. The pending question is on the amendment submitted by the Senator from Arkansas [Mr. BERRY], which will be stated.

The SECRETARY. On page 2, line 4, after the word "President," it is proposed to insert "not exceeding \$12 per day for the time employed;" so as to read:

And for such compensation of the seven members of said commission, its employees, and the two assistant recorders, as may be fixed by the President, not exceeding \$12 per day for the time employed.

Mr. ALLISON. Mr. President, I suggest to the Senator from Arkansas [Mr. BERRY] that as respects the commissioners who are not in the public employ there shall be a fixed sum, and the Senator from Colorado [Mr. TELLER], in the remarks made by him, suggested that the sum ought to be \$4,000. I am willing to accept that.

Mr. JONES of Arkansas. At the rate of \$4,000?

Mr. ALLISON. No; I mean that they shall have \$4,000 each for their services.

Mr. BERRY. Will the Senator permit me to interrupt him?

Mr. ALLISON. Certainly.

Mr. BERRY. If the Senator will let it read "a sum not to exceed \$4,000," it seems to me that would be the proper thing to do. Then, if they are engaged only for a very short time, if they got through in a month, the President would have it in his discretion to pay them a less sum than that. If the work of the commission continued for a year, then he would probably pay them the \$4,000. I think there would be no objection to that, and I would accept such a provision in lieu of my amendment. At any rate, it seems to be the opinion of Senators on both sides of the Chamber that some amount should be fixed, and it seems to me that the bill ought to read "a sum not to exceed \$4,000." If you want to give them a lump sum, then the President can determine. If the commission conclude their labors very soon, I take it for granted he would not pay them so much as \$4,000; and I think he ought not to pay them so much as that. I submit to the Senator from Iowa that that would be the proper way to arrange it.

Mr. ALLISON. If the President is to fix the salaries I hope he will be allowed to fix them—I am quite sure his discretion can be relied upon—and I think if we are to fix these salaries we ought to fix them. We should fix some sum. I think \$4,000 is a reasonable sum for the work the commissioners will be called upon to do.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. BERRY].

The amendment was rejected.

Mr. ALLISON. I move to insert, "The members of said commission shall receive as compensation \$4,000 each for their services."

Mr. BERRY. As I understood the Secretary in reading the bill, although I may have misunderstood him, he read "the seven members." Now, I submit to the Senator that notwithstanding he has stricken out the provision repealing that law, if it is left to read "seven members," then the men who are at present holding office would also get the compensation.

Mr. ALLISON. The word "seven" has been stricken out.

Mr. BERRY. The Secretary read it "seven."

The PRESIDENT pro tempore. No amendment has yet been adopted to the bill.

Mr. ALLISON. I suggest that we proceed regularly to consider the amendments as they appear in the print.

The PRESIDENT pro tempore. The first amendment will be stated.

The SECRETARY. On page 1, line 3, after the word "dollars," it is proposed to insert "or so much thereof as may be necessary;" so as to read:

That the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, etc.

The amendment was agreed to.

The next amendment was, on page 1, to strike out, at the end of line 12, the word "seven;" on page 2, line 1, after the word "the," to strike out "two;" and in line 2, after the word "recorders," to insert "who are not officers or clerks in the civil or military service of the Government;" so as to read:

And for such compensation of the members of said commission, its employees, and the assistant recorders, who are not officers or clerks in the civil or military service of the Government, as may be fixed by the President.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "President," to strike out:

Such compensation to be paid notwithstanding the provisions of sections 1763, 1764, and 1765 of the Revised Statutes, or section 3 of the act of June 20, 1874, chapter 328.

The PRESIDENT pro tempore. Does the Senator from Iowa wish to offer an amendment to the amendment?

Mr. ALLISON. The amendment to strike out, beginning in line 4 and ending in line 8 with the word "twenty-eight," should be agreed to. That strikes out the provision inserted by the House.

The amendment was agreed to.

Mr. ALLISON. Now, if I can have the approval of the Senate, I will ask that, in line 1, page 2, the words "its employees and the two assistant recorders" be stricken out.

The PRESIDENT pro tempore. On page 2, lines 1 and 2, the word "two" has already been stricken out. Does the Senator from Iowa offer an amendment?

Mr. ALLISON. What I wish to do is to fix the salaries of the members of the commission who are not Government officers. So I move to strike out those words for the time being and will have them reinserted elsewhere.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. On page 2, line 1, after the word "commission," it is proposed to strike out the words "its employees and the assistant recorders."

The amendment was agreed to.

Mr. ALLISON. Then I move to strike out of the amendment as it stands now the words "or clerks in the civil or military service of the Government."

The amendment was agreed to.

Mr. ALLISON. I move to insert "\$4,000 each" after the word "commission," in line 1, page 2. Then I will arrange the subsequent phraseology to meet that amendment, if it is agreed to.

The SECRETARY. On page 2, line 1, after the word "commission," it is proposed to insert "\$4,000 each."

The amendment was agreed to.

Mr. ALLISON. That does not complete it. Is that agreed to?

Mr. BERRY. I do not agree to it, but the Senate has agreed to it.

Mr. COCKRELL. I should like to suggest to the Senator from Iowa that on the first page, line 12, the last line, where it says "and for such compensation," the word "such" be stricken out.

Mr. ALLISON. Let the word "such" be stricken out.

Mr. COCKRELL. And let the word "the" be inserted; so as to read "for the compensation."

Mr. ALLISON. Yes; "for the compensation."

The PRESIDENT pro tempore. Without objection, that amendment will be agreed to. The amendment in lines 2 and 3, on page 2, has been agreed to, and is now, in Committee of the Whole, a part of the bill.

Mr. ALLISON. It should be modified so as to read:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, \$4,000 each.

I move to insert those words after the word "commission."

The PRESIDENT pro tempore. If there be no objection, that amendment will be agreed to.

Mr. ALLISON. Then it will read:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, \$4,000 each.

The PRESIDENT pro tempore. That has been agreed to.

Mr. ALLISON. Then I move to amend the bill by inserting after the words "four thousand dollars each" the words:

And for the employees of the said commission who are not officers or clerks in the civil or military service of the Government such compensation as may be fixed by the President—

or "by the commission." Perhaps the commission might fix the pay of the minor officers. However, I suggest that it be left where it is, so that the President will fix it.

The amendment was agreed to.

Mr. FORAKER. I think the Senator from Iowa having this bill in charge made a very proper suggestion a moment ago, and I am sorry he did not adhere to it, namely, that the compensation of all the subordinate officials should be fixed by the commission rather than that the fixing of their compensation should be imposed upon the President. It seems to me they would know a great deal more about what the compensation ought to be, and that the President ought to be relieved from a matter of that kind.

Mr. ALLISON. I do not like to take the responsibility of so changing the bill without the suggestion of the committee. However, I am indifferent. I think perhaps the commission would do quite as well without burdening the President.

Mr. FORAKER. Yes; the Senator had the expression a moment ago, or I would formally offer an amendment. I move that the bill be amended as suggested by the Senator a moment ago, so as to put that duty upon the commission.

Mr. COCKRELL. Let it read "as may be fixed by said commission."

Mr. FORAKER. Yes.

Mr. COCKRELL. Strike out "President" and insert "said commission."

Mr. ALLISON. I will make that amendment, or accept it if it is offered by the Senator from Ohio.

Mr. FORAKER. I offer the amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. Will the Secretary please state it, so that there may be no mistake?

Mr. ALLISON. Let it be read as amended.

The SECRETARY. In line 2, page 4, strike out the word "President" and insert "said commission;" so that the clause will read: As may be fixed by the said commission.

The PRESIDENT pro tempore. The amendment is agreed to.

Mr. COCKRELL. The proviso has not been acted upon.

The PRESIDENT pro tempore. No. It has not been acted upon.

Mr. COCKRELL. I hope the Senator will put that down to \$10.

Mr. ALLISON. I ask that the bill may be read, beginning with line 12, on page 1.

The Secretary read as follows:

And for the compensation of the members of said commission who are not officers in the civil or military service of the Government, \$4,000 each, and for the employees of the said commission who are not officers or clerks in the civil or military service of the Government such compensation as may be fixed by the said commission.

Mr. COCKRELL. The proviso comes next.

Mr. ALLISON. That is the text down to the proviso. Now I ask that the proviso may be read.

The Secretary read as follows:

Provided, That the members of said commission shall be allowed the sum of \$15 per day each, the assistant recorders \$10 per day each, and the other employees of the commission in the service of the Government \$6 per day each, while employed in the work of the commission, in lieu of traveling and all other expenses.

Mr. COCKRELL. I move to strike out "fifteen" and insert "ten."

Mr. ALLISON. I ask the Secretary to reread the last clause of that proviso.

The Secretary again read the proviso.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend by striking out, in line 10, "fifteen" and inserting "ten."

Mr. ALLISON. The Senator from Missouri?

Mr. COCKRELL. I made that motion, and I hope it will prevail, too. I wish the Senator from Iowa would accept the amendment, because I think it would be an outrage to pass a bill providing for any other amount. It is the highest amount ever paid for the expenses of any one in the Government service.

Mr. BAILEY. I suggest, Mr. President, that the expenses ought to be commensurate with the salary. If you are going to give a man \$4,000 for probably two months' work, he ought to be permitted to spend \$15 a day. I think, myself, that \$4,000 is an outrageous allowance.

Mr. BERRY. So do I.

Mr. ALLISON. The observation of my friend the Senator from Texas persuades me to leave this question to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

Mr. FORAKER. Is the proviso, since the amendment has been adopted, in form so that it can go into the bill?

The PRESIDENT pro tempore. An amendment has just been agreed to, on motion of the Senator from Missouri, striking out "fifteen" and inserting "ten." The rest of the proviso stands.

Mr. FORAKER. The rest of it stands, but there is a repetition. Now, as it stands the allowance per day for expenses would be the same to the commissioners as to all the others—

The PRESIDENT pro tempore. It would be the same to the assistant recorders.

Mr. FORAKER. Except one class. I should think the proviso might be improved, now that the same allowance is to be made to the commissioners as to the recorders. Does not the Senator from Iowa want to change the proviso?

Mr. ALLISON. I think it would perhaps be a little better not to separate the assistant recorders.

Mr. COCKRELL. Not to separate the men who are officials.

Mr. ALLISON. But if the proviso can again be read I will perhaps suggest a modification.

Mr. FORAKER. It should read:

Provided, That the members of said commission and the assistant recorders shall be allowed the sum of \$10 per day each.

The Secretary read as follows:

Provided, That the members of said commission shall be allowed the sum of \$10 per day each and the assistant recorders \$10 per day.

Mr. ALLISON. I accept the suggestion of the Senator from Ohio.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It will then read:

Provided, That the members of said commission and the assistant recorders shall be allowed the sum of \$10 per day each.

Mr. ALLISON. That is right.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DANIEL. I desire to offer an amendment to come in after line 18, on page 2.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

It is hereby further provided that no officer or employee of the United States, and no Senator or Member of the House of Representatives shall be assignable to service in any commission or office, or shall have any duties imposed upon him other than those imposed by law.

Mr. DANIEL. Mr. President, I do not view or consider the action of the President in reference to the coal strike and the appointment of a commission in any spirit of criticism whatsoever. I believe it is the general sentiment of this country—it is certainly my own—that the President acted with great wisdom and discretion, and instead of criticising him I commend him for the good sense and patriotism which no doubt dictated his conduct.

Without intending to be at all critical, I would, however, make the remark that I regretted that any officer of the United States was included among those selected by him to consider this matter. I believe that when a citizen of the United States is elected by the people or by the general assembly or the legislative body of a State or is appointed under executive authority to fill any particular function whose duties are defined by the nature of our Government, its Constitution and laws, he should be dedicated solely to the discharge of those duties.

There is no office under this Government and there is no representative relation to this Government that has not imposed upon it duties and responsibilities great enough to absorb all the intellect and all the energies that any one man can bring to their fulfillment.

Apart from that fact there is an abundance of intellect, of character, of learning, and of wisdom among the people of this country, outside of those who hold any kind of position or official relation to the Government, to fill every office that exists or which may be created. Indeed, such is the genius and such the character of our people that there is an embarrassment of riches in the offerings or in the possibilities of places which it is utterly beyond the power of appointment to reach or even but partially to consider. I do not blame the President or apply any term of reproach to him because he selected officials. It is a good-natured habit that has grown upon all Administrations. Its promptings have in themselves been, as a rule, and for aught I know, altogether pure and just. Nevertheless, it seems to me to be a bad practice, and it ought to be forbidden by law.

The executive authority should know, and all of those who are in the employments to which they have been appointed should at the same time know, that they are dedicated to the discharge of those duties which the law has imposed upon them. I have therefore offered an amendment to the pending bill to declare by law that no civil, military, or naval officer of the United States and

no employee of the United States shall be assignable to other duties than those which the law has imposed and put upon him.

It may be that in cases the compensation is small. The greater officers and functionaries of our Government do not get large compensation. At the same time, Mr. President, they hold positions of honor, and the time has not arrived in our Government—I trust it may never arrive—when honor will not be considered in itself a great reward for those who desire and those who seek it. And those who seek great honor and accept it must be content with that portion which has been allotted to them by their own seeking and by their own consent.

I hope, Mr. President, that this amendment will be adopted. It may be said that it might more appropriately come in a statute independent to itself. Such matters, Mr. President, are difficult of passage, and it is timely and apropos in connection with this matter. This is a case in which there is a judge of a great court, in which there is a general officer of the Army, in which there is a head of a bureau, and one other officer I know, who have been taken away from the bench, from the bureau, and have had duties imposed upon them which are totally disconnected with their professional lives. Those of them who have active duties to perform can not perform them while this responsibility is with them, and they ought not to have brought to them the condition where they may say "noblesse oblige"—"I am obliged to accept this place because of the importance of the position. The dignity of the appointment and the importance of the work are such that I feel called upon to accept."

There is not much remuneration in such places as these for gentlemen of the character and position of those who are naturally called to fill them, but it is a diversion from that which they have made their life's work and which the Government and the people have alike put upon them to do.

Judges of the Supreme Court have been translated to foreign nations. Senators upon this floor, where there can be at no time more than two representatives of a State, have had such calls made upon them and have been translated afar from the Government. I am not speaking words of reproach for them, nor do I intend to deliver criticism in any direction, except upon the practice, which is in itself not to be commended, but, on the contrary, ought to be deprecated and forbidden by law.

For these reasons, Mr. President, I think it is appropriate to put in this statute that plain and distinct provision; and I do it out of a mind that is not bent in any degree upon criticism of the Administration for that which in the main was an honorable, a just, and, in my judgment, a wise act on the part of the President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. PLATT of Connecticut. I should like to have it read again.

The PRESIDENT pro tempore. The amendment will again be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

It is hereby further provided that no officer or employee of the United States and no Senator or Member of the House of Representatives shall be assignable to service in any commission or office or shall have any duties imposed upon him other than those imposed by law.

Mr. PLATT of Connecticut. Mr. President, I do not now know how other Senators may feel about the matter, but I shall vote against this amendment. I do not think it is germane to this proposition, in the first place. In the second place, I do not think it is a wise proposition. If I may be permitted to express my opinion, I think the President's selection of Judge Gray was the most appropriate that could have been made; it was almost a necessary one to make. While it is true, I believe, that judges are not included in the amendment—

Mr. DANIEL. Yes; they are.

Mr. PLATT of Connecticut. Are they? I understand, then, that in case a precisely similar crisis and emergency should arise hereafter it might be impossible to meet that crisis and emergency except by doing just what the President did—appointing a judge of the standing and character of Judge Gray, in whom everybody connected with the controversy had confidence.

Now, Mr. President, I believe it would be a very unwise matter so to tie the hands of the President of the United States that in a great emergency, arising where a Senator or a judge was admitted to be the one man who could be selected to perform the most efficient service for the United States he could not be appointed.

I agree that it is a practice which ought not to be enlarged, but I am not willing to say that in no condition which may arise in this country hereafter, in no great question which may arise for settlement, the one man who in the judgment not only of the President, but of all the people of the United States, is most fitted to meet that crisis and to compose that difficulty can not be appointed because he happens to be a member of the Senate or House of Representatives.

I do not wish to recur to the past. I would not wish to put it out of the power of the President of the United States, if a great question arose like that which resulted in sending the Senator from Alabama [Mr. MORGAN] to Paris, that it could not be done. I believe when Senators come to think of it they will see that in the future of this country it is quite likely that circumstances will arise which will make it not only justifiable and proper, but almost essential and necessary, that some person, a member of the Senate or a member of the House of Representatives, or a judge of the Supreme Court of the United States, or a judge of some district or circuit court, shall be appointed to bring, by reason of his peculiar characteristics and ability, the best possible result out of those circumstances.

I do not know how the Senate may feel about it, but I wish to vote against this amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL]. [Putting the question.] The yeas appear to have it.

Mr. TILLMAN. We had just as well have the yeas and nays on it.

Mr. ALLISON. I hope the Senator from South Carolina will not insist on calling for the yeas and nays. He will have ample opportunity to test the sense of the Senate on this question.

Mr. TILLMAN. No; we shall not have an opportunity to test the sense of the Senate on this peculiar proposition, because it is not likely that we are going to have any independent bill, and as we are dealing with the appointment by the President of men already occupying high official position who have duties to perform, and under this appointment they neglect them, I think we can establish the principle which the Senator from Virginia contended for so cogently—that it is unwise. If we simply put a mark against such things in the future, there are plenty of our citizens of ability, as the Senator has shown and as we all know, who are able to fill the places on all commissions.

Mr. BERRY. And are willing.

Mr. TILLMAN. And are willing and anxious. I really do not see why we could not, as a lawmaking body, now say that we think that it is unwise and improper. I should like to have the yeas and nays on the amendment if I can get a second.

Mr. DANIEL. I second it.

Mr. ALLISON. In a general way I am in sympathy with the proposition of the Senator from Virginia. Perhaps the rule ought to be observed that members of either House or persons holding high judicial office shall not be selected to serve on commissions. But the Senator from Connecticut [Mr. PLATT] has very well stated that exceptional cases may arise. Now, this is an exceptional case, and I do not want to impliedly censure either the President or Judge Gray, who holds the high position which he occupies, by saying that he ought not to have been appointed on this commission and by giving other Senators an opportunity of saying that he is not doing a wise thing by staying upon the commission, because that will be the implication. I think the controversy has now assumed such a character that it is absolutely essential to the conclusion of the business that every gentleman who has accepted a place on the commission shall continue to serve on it until the matter is concluded.

I do not think the proposition is germane to the pending bill, and if it is to be considered it ought to be considered on fuller debate and with such modifications and changes as debate will disclose ought to be made. I hope the Senator from Virginia will withdraw his amendment. I did not suppose, as I listened to the viva voce taken, that it was generally regarded as a proper amendment to be put upon this bill, and I hope the Senator from Virginia will withdraw it. I think as a separate and independent measure I should vote for it, with some modification.

Mr. TILLMAN. Mr. President, if we could ever reach a time or a condition in which such legislation as this could be proposed without some condition antagonistic existing—in other words, if we could get around appearing to slap the President or to criticize his action, I would be willing to let the matter go.

Of course I understand that the amendment will be voted down; but Senators will remember that when three members of this body—its most distinguished members, members of the highest character and competence and all that kind of thing—were appointed on the Paris Peace Commission, this same question came up, and a resolution or a bill or an amendment of some kind was presented in this body by the Senator from Massachusetts [Mr. HOAR], if I recollect correctly, and I think possibly voted on. But it must have failed to become a law, and it seems that we will continue to have Presidents go into official positions and take men to occupy places on these commissions, which are growing in number every year, and the fact that the Senate then failed to take any action and the fact that the Senate now will fail to take any action is notice to the Executive that he may continue to detail judges, to detail generals, to detail this, that, and the other officer to perform duties entirely foreign to his official position, and necessarily causing the neglect of his official duties.

I say that condition is one which is unhealthy, and I do not see why we could not act right now and here—without any criticism of the President, because everybody recognizes the importance and apparent necessity of his action and no one is disposed to find any fault with it so far as I see, but we could in as kind a way as possible—if we can do it kindly at all—let him understand that men can not be detailed out of their official positions to fill places on commissions when, as has been pointed out, there are so many people who are fully competent who are not in official life and who would be glad to get the place for the prominence it gives them. I do not say that Judge Gray, whom I admire and respect, because we were here together in friendly association for several years, was the only man in this part of the world who could have gone on this commission, and who had the absolute confidence of every man in the United States.

Mr. PLATT of Connecticut. May I ask the Senator a question? Mr. TILLMAN. Certainly.

Mr. PLATT of Connecticut. He knows Judge Gray? He knew him as Senator Gray?

Mr. TILLMAN. Yes.

Mr. PLATT of Connecticut. He knows of his high character, and how sensitive he is, and properly so. What does he think Judge Gray would do if we should adopt this amendment here? What does he think he might do? How would the Senator himself feel if he were upon the commission and the Senate of the United States should pass such an amendment? Would he not feel that he really ought to withdraw from the Commission?

Mr. TILLMAN. Surely—

Mr. PLATT of Connecticut. Well—

Mr. TILLMAN. Hold on now.

Mr. PLATT of Connecticut. Will not Judge Gray feel so?

Mr. TILLMAN. But Judge Gray is not responsible for being on the commission, except that possibly he made a mistake in accepting the place.

The question with us is whether or not it is wise and proper for this Government to grow into the habit of having the Executive take men who are in high official life and detail them out of their sphere, away from their recognized duties, and put them at work with which they have no other concern than that which obtains from the appointment. Are the regular judicial duties of Judge Gray going to be performed by somebody else, or will they be neglected?

Now, that is the situation, and we should consider whether we have an autocratic feeling growing among us as a people, or, rather, whether we are recognizing the existence of an autocracy which ignores what some of us regard as propriety. Of course, everybody here will have his own opinion as to the propriety or impropriety of this thing. Judge Gray's peculiar personal fitness may have suggested him, and the question of his judicial position and duties may not have occurred to the President.

I would, if it were possible, expressly declare that no criticism of the President's action is intended. I do not see how we could adopt the amendment without some implied objection to the practice. But after this bill has gone through will we have any Senators on the other side who will bring in an independent statute on its own merits which will deal with the question of taking officials from their places and putting them to other work extraneous and outside of their regular duties? No; we have no idea that such a thing will come. And so it will go on; this precedent and the one in regard to the appointment of our colleagues here on the Paris Commission, etc., will continue, and we shall have this practice to grow indefinitely.

Mr. SPOONER. Mr. President, I hope the Senator from Virginia [Mr. DANIEL] will not press this proposition as an amendment to the pending bill. I have, I am frank to say, very much sympathy with his reasons and his position, on general principles, although from the foundation of the Government it has been the practice to appoint Senators and others in official life to the discharge of duties outside of the particular sphere to which they have been assigned by the people, the President not even excluding judges.

I expressed here once my willingness to vote for a bill which would regulate this matter. There have been no commissions like this, if I understand it, and my friend from South Carolina [Mr. TILLMAN] is mistaken if he supposes that this so-called commission falls within the category of the "commissions provided for so often by Congress."

Mr. TILLMAN. If the Senator had been in the Chamber this morning he would have had considerable more light in regard to it.

Mr. SPOONER. Perhaps, and perhaps not.

Mr. TILLMAN. Well, I do not know that he would have received any light from so humble a source as I—

Mr. SPOONER. I do not presume that the Senator knows—

Mr. TILLMAN. But he would have had some knowledge of what has been under discussion here rather extensively to-day, and would at least be discussing this particular phase of the question with more intelligence.

Mr. SPOONER. Well, perhaps if the Senator had waited until I had stated my position he would be in a better position to pass intelligently upon my intelligence. I regret I was not in my seat this forenoon to have heard the Senator from South Carolina. This particular designation, or these designations, if I may use the plural, were made, as has been said here, in an exigency. I do not know of any law under which the President intervened in the matter. This is not a commission authorized by law.

Mr. TILLMAN. We all recognize that.

Mr. SPOONER. In any ordinary matter the President, of course, would not have intervened. Here was a menace to the whole country, involving not simply money losses, not simply a possible paralysis of commerce and of the industries of the country, but involving loss of life, hardship, and suffering throughout the whole country and among all classes of our people.

The President, in his statement to the parties to the controversy when they came before him on his invitation, informed them accurately that he had no authority to speak from the standpoint of either side—the operators, on the one hand, or the miners, on the other—but calling their attention to the existence of a third party vitally interested—

Mr. MORGAN. If the Senator will allow me, I wish to say that the President, as I understood it at the time, distinctly announced that he had no official connection with the controversy.

Mr. SPOONER. I have so stated.

Mr. MORGAN. None whatever.

Mr. SPOONER. I have so stated.

Mr. TILLMAN. And, Mr. President—

Mr. SPOONER. Allow me to finish my sentence. The President, stating that he acted in the interest of the people who were not only vitally interested in it, but with the approach of the winter were awfully menaced by it, brought the matter to their attention, and his courage in that respect, with the public sentiment of 80,000,000 people behind him, brought acquiescence. These men never could have agreed, undoubtedly, upon arbitrators, but they were willing under the circumstances to submit the controversy within limits to gentlemen named by the distinguished gentleman who is President.

Mr. PLATT of Connecticut. An arbitration.

Mr. SPOONER. An arbitration only.

Mr. TILLMAN. Now, Mr. President—

Mr. SPOONER. Congress creates commissions. It was the mere designation of these gentlemen as arbitrators or rather an invitation to act, for they could not be detailed. The President had no more power to set a judge or any other public officer at this work by detail than he had to detail the Senator from South Carolina or myself to it.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. In a moment. But he invited these gentlemen, who were agreeable entirely in this emergency to the parties to the controversy, to hear the statements and the evidence and the arguments and report their conclusion as to what was fair between them; and by that they agreed to abide, and dissipated the blackest cloud of that sort, Mr. President, which has hung over this people since I have lived.

Mr. TILLMAN. I hope the Senator will let me get in some time.

Mr. SPOONER. Well, I yield to the Senator.

Mr. TILLMAN. If the Senator had been present this morning—

Mr. SPOONER. I was not.

Mr. TILLMAN. And therefore you have been defending the President here where every one of us has acknowledged that the conditions were of a character to warrant his action. We have commended him, and we are only discussing the action of Congress in coming forward now and by a legal statute setting a precedent which will return to pester us.

Mr. SPOONER. No, Mr. President, my friend is mistaken; I am not defending the President, because the President needs nowhere in the United States—North or South, East or West, here or anywhere else—any defense for what he did. I am simply endeavoring to show that this is not a bill in connection with which we should regulate the appointment by the President of public officials to commissions created by Congress.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. Now, if the Senator will permit me, I wish to get through. I will be through in a minute.

Mr. TILLMAN. But the Senator is unfair to me.

Mr. SPOONER. I yield, then, if the Senator thinks that.

Mr. TILLMAN. The point I wish to ask the Senator to illuminate is how it is that a high officer of the Army accepts an invitation from the President to neglect his official duties and go about something else, and how does another head of a bureau accept an invitation from the President to neglect his official duties and go about another matter? If they are not detailed in actuality, they are detailed in essence, and the Senator need not quibble.

Mr. SPOONER. Mr. President, that word is not courteous.

Mr. TILLMAN. I beg the Senator's pardon. I do not want any controversy with the Senator from Wisconsin, whom I almost love, and all that kind of thing [laughter]; but he goes about the thing, you know, in such an unfair way sometimes, and jumps to conclusions, that I naturally resent the soft imputations which he casts on me.

Mr. SPOONER. Is the Senator through?

Mr. TILLMAN. Oh, for the present. I do not know; you may stir me up again. [Laughter.]

Mr. SPOONER. I am not going to make the Senator quit talking. I know the Senator too well to make such a large application of my question.

Now, the Army officer who is on this arbitration commission—I say it is not—

Mr. TILLMAN. I only take the phraseology of the bill.

Mr. SPOONER. I do not care about that. I am trying to get at the facts. You may call it a commission. General Wilson is the Army officer to whom the Senator referred. He is on the retired list. He is not absent from any duty whatever. He accepted an invitation from the President, being agreeable to the parties and a fit man to act as an arbitrator in this emergency, in which the public was so largely interested. Judge Gray was invited. He was at perfect liberty technically to decline, but, Mr. President, being agreeable to the parties to this controversy and keeping in mind the nature of the controversy and its relation to the people of the United States, I doubt if he was at liberty morally to decline.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Of course.

Mr. TILLMAN. Will the Senator quit discussing the personal phase of this proposition and bringing in the personality of the various members of the commission, on whom we are all agreed and whom we respect and whose opinion we will attach great weight to? Will he just leave all that out and come to the plain, concrete proposition as to whether it was right and proper and a good practice to have inaugurated and continued and broadened and deepened to have the President appoint men who are already filling official places and have official duties to go about something else?

Now, that is the whole thing involved in this amendment, and there is nothing else to it; and the personality of Judge Gray or of any member of the commission, or any reflection on the President's course, or anything connected with the strike is not really at issue. It is merely the settlement once for all of the proposition that we as a part of the legislative body of this country think that there are enough other citizens outside of the official world who can do all this kind of work without detailing or inviting or employing officials.

Mr. SPOONER. Mr. President, the Senator from South Carolina astonishes me. He always astonishes me when he makes so obvious a mistake as he has just made. I have uttered no word about the characteristics or the qualities or the reputation of any man designated by the President to act as an arbitrator in this matter. All I have said as to General Wilson was, in reply to the Senator from South Carolina, that he was a retired officer, and therefore not neglecting any public duties by accepting and discharging the duty as an arbitrator.

I was saying that Judge Gray, or almost any other man, I think, invited by the President of the United States in such an exigency, and found to be agreeable to the parties to the controversy, could hardly have felt himself at liberty to decline. It is not a new thing for judges to act as arbitrators; it has not been considered unjudicial. It may, perhaps, be subject to the narrow criticism that for the moment, or the day, or the week the judge is absent from the bench or absent from his chambers, but in this case the function is one that is judicial, essentially so.

I remember one case in which Justice Miller of the Supreme Court of the United States acted as an arbitrator, and made his award by the common consent of the parties. These men were not appointed by the President in the sense in which we use the word in laws or in which it is used in the Constitution. Here the parties agreed to submit their controversy to arbitrators, who should be chosen by Theodore Roosevelt, President of the United States. If we create a commission the President may appoint men to that commission.

I would vote with qualifications for this proposition as applied to such a commission; but this is no case of that kind. This amendment is simply a proposition that hereafter, should a case of this kind arise and the President in an exigency be put where he must find men who will act as arbitrators, who can act agreeably to the wishes of both parties to a great controversy affecting the public, he shall not appoint a Federal judge or any other man in public position under the United States. I do not favor it.

It seems to me—I may be wrong about it—that we ought not while Judge Gray is discharging this really self-imposed

function—he was not detailed or appointed, he was invited—as an arbitrator in this very important matter to pass as an amendment to this bill a Congressional declaration that he has no business to be discharging that duty or that there is impropriety in it.

Mr. BAILEY. Will the Senator allow me?

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. Mr. President, I agree with the Senator from Wisconsin that until this bill becomes a law the gentlemen who are arbitrating this question have no official character. The coal operators and the operatives simply agreed to submit the issues between them to a number of arbitrators named by the President of the United States. They might have agreed with equal propriety and equal safety to have submitted those issues to arbitrators named by the bishop of some church, or any other man whose character and standing assured an impartial selection of arbitrators. In that view of the matter this amendment would not really restrain the President, because he simply names men, not officially, but really unofficially designates them.

I rose to suggest—not to the Senator from Wisconsin, but to the chairman of the committee—that it would be an excellent idea to conform this bill to these facts, and to describe these gentlemen as arbitrators rather than as commissioners, because the law creates commissions, and commissioners are generally officials. I should much prefer, indeed, that they should be properly described as mere arbitrators selected by a disinterested person without regard to his office to perform a great service in allaying excitement and relieving distress that would have come out of a prolonged strike; and I should be willing to see the expenses paid out of the public Treasury, but I will not vote for a proposition to recognize the right of the President to create a quasi-official body without authority of law.

Mr. SPOONER. Well, Mr. President, I will say to my friend from Texas that before I rose I had expressed to the Senator from Iowa [Mr. ALLISON] the same view which the Senator from Texas now does. In view of the fact that this is a unique case, one which we all hope will not occur again in the country, there being no action of Congress behind it, I hope the Senator from Virginia will put his proposition in the form of a bill, such a one as the Senator from Missouri [Mr. VEST] introduced at a former session of Congress, which I was for, and not press it as to this particular appropriation to which it has not relevancy.

Mr. BACON. Mr. President, I am very thoroughly in sympathy with the purpose of the Senator from Virginia [Mr. DANIEL], and would certainly support a bill which would enact into a law that which he seeks to accomplish. I agree, however, with the Senator from Wisconsin [Mr. SPOONER] and with the suggestion of the Senator from Iowa [Mr. ALLISON], that there may be reasons why the amendment is not entirely appropriate on this particular occasion.

It is true, as stated by the Senator from Wisconsin, that this is not properly a commission; it is not the kind of commission to service upon which officials have heretofore been detailed; it is not a commission which has any powers; it is not a commission which can make any award which can be enforced in law. It is a purely voluntary body of men, selected by one who did not claim any legal authority to constitute it, and to the decision of which the parties have voluntarily consented they will submit. That is all there is in it.

So far as the creation of a commission which shall be clothed with legal power is concerned, I think there can be no principle which is rested upon a more solid foundation than that which would deny to the President the right to detail officials of the Government for service upon such a commission. Although, as stated in this debate, from the very earliest history of the Government that has been the practice, I have always thought it was a bad practice, a vicious practice, and to the extent of the opportunities which I have had I have endeavored to give my influence against it.

Something has been said here about a bill or resolution—I have forgotten which it was—in reference to this subject which was introduced by the senior Senator from Massachusetts [Mr. HOAR]. That was immediately after the return of the Spanish Treaty Commission, and was in substance the same as the amendment which is now offered by the Senator from Virginia [Mr. DANIEL].

That was referred to the Judiciary Committee, of which the Senator from Wisconsin [Mr. SPOONER], was then a member; and without betraying any secrets, or disclosing improperly what occurred in that committee, I desire to say, and I think I can do so with propriety, that a large majority of that committee favored what was sought to be accomplished by that bill or resolution; but no action was ever taken in the Senate, because the committee thought it was better to give a direction, which, while it would accomplish the purpose, would not have the effect of seeming to make any implied censure either upon the President or upon

those who have served upon any of the commissions which had been within the recent past created. I know the conclusion was reached by the committee that there would be in the future no such appointments made, and there have been none since. I do not regard the appointment of this Anthracite Coal Strike Commission as a violation of the principle which was sought to be accomplished by the Hoar amendment.

Mr. President, I think there is a great deal in the suggestion made by the Senator from Iowa [Mr. ALLISON] and the Senator from Wisconsin [Mr. SPOONER] as to the personal application in this particular case which will be made of the action taken by the Senate if this amendment should be adopted. I will state a fact, which will doubtless be recalled by all Senators, and that is, not simply that Judge Gray was invited—and I think that term is proper, for it was simply an invitation—not only was he invited, but the coal miners in their proposition—because the proposition for arbitration originated with them—suggested that they desired that there should be upon the commission one of the judges of the Federal court of this particular circuit or of some adjoining circuit. Am I correct in that? I am quite sure I am.

Mr. ALLISON. I will say that it was either the coal miners or the coal operators.

Mr. BACON. It was the coal miners.

Mr. ALLISON. Very well. It was part of the proposition that a judge of the circuit court of Pennsylvania, or a member of the supreme bench of the State of Pennsylvania, should be selected.

Mr. BACON. Yes. The proposition did not originate with the President of the United States. It originated with the coal miners. Of course they were deeply interested in having not only impartial men, but able men to pass upon questions so vital to them, and when the question was up whether or not there should be such a commission appointed, or board of arbitrators, if that term is preferred, the stipulation was made by the coal miners that one of this board of arbitrators should be a judge of the Federal court within certain districts or circuits.

I repeat, sir, that so far as concerns the creation of a commission which is clothed with the power to arbitrate under a law, or to carry a decision into execution, or to negotiate a treaty, I most heartily agree with the proposition contained in the amendment—that the President ought not to be permitted to appoint any official of any department of the Government to the performance of such a duty; but this so-called commission was an entirely different thing, and I think there is great point in the suggestion that at this particular time for us to adopt this amendment would necessarily be construed by Judge Gray into the expression of an opinion by the Senate that there was an impropriety in his appointment and an impropriety in his serving; whereas I do not think there is either. I would think so if it were properly a commission, but I do not so regard this board.

In his opposition to this amendment the Senator from Connecticut [Mr. PLATT] went much further than I would go. I entirely agree with the view suggested by the Senator from Wisconsin, that this is not a commission clothed with any power, but that it is a body of men selected with a view to their intervening to avert what all considered to have been a great impending calamity; clothed with no power to make any award, except so far as it might be consented to by the parties; with no power to enforce it; and all we do in the way of compensation is to do that which I think we are morally and properly bound to do, but not legally bound to do; and my position is based on this view. But in discussing this question the Senator from Connecticut went a great deal further than I do, because he attacked the general proposition contained in the amendment offered by the Senator from Virginia [Mr. DANIEL]; and I think, if I recollect aright, the views now presented by the Senator were the same as those expressed by him at the time the Hoar resolution or bill was before the Senate.

I do not agree that there can be any emergency where it is of such importance that an official either of the executive, judicial, or legislative department shall be subject to be detailed by the President of the United States to other duties than those which are imposed upon him by law. I thought at the time of the remark of the Senator that in case we should have in the near future some complications with reference to Cuba it would make it very important that the Senator from Connecticut, who has been the chairman of the Committee on Relations with Cuba, should be connected with it, and I recognize that; but that can be accomplished through his representation of this Senate as a committeeman as thoroughly as it can be by his representation of the executive department as a commissioner.

Mr. President, we all know Judge Gray. Many of us served with him in this Chamber. There is no man more sensitive than he to any suggestion of impropriety. I think he is now in a position where he should not be embarrassed by any such suggestion. I think it is important that the present board should proceed with

their work if there is any further work remaining for them to do, and while I am thoroughly in accord with the proposition as to the impropriety of the detailing of officials of the Government by the President to serve upon commissions, I think this is an occasion, Mr. President, which ought not to be availed of for the purpose of giving expression to that view.

I hope with the Senator from Wisconsin that we may not be called upon at this time to vote upon this proposition. I said early in the day, Mr. President, that I hoped upon this occasion we might vote upon this question without division; and before the Senator from Wisconsin came in, when that part of the debate was progressing, the Senator from Iowa, the Senator from Maine, and other Senators in charge of the bill on that side of the Chamber reciprocated that wish, and they had conceded various points in order that upon the consideration of this most important measure, growing out of this unusual and unique condition of affairs, the Senate might present an unbroken front and not be divided upon the main question or upon any of the details. Of course, I fully appreciate the sentiment and the wish which has animated the Senator from Virginia, and I am thoroughly in accord with what he desires to accomplish. I do think, however, that this is not the proper time to do it.

Mr. DANIEL. Mr. President, in the remarks which I made upon the offering of this amendment there was nothing which, by the most attenuated construction, could be supposed to contain a criticism either upon the President's action or the action of anyone else. So far as the President was concerned, his main action in the premises has met with the almost unanimous approbation of the American people, and his conduct, dignified, decided, and prompt in the face of an emergency which made the whole people feel exceedingly anxious, was, in my judgment, very commendable.

Most of the gentlemen who have spoken against the amendment have declared that in their own judgment it contains a correct principle. So far as their minds are concerned they admit the justice, the propriety, and the expediency of the doctrine which I commend. That is much greater censure than the act itself contains, for it implies that the putting of their principle into law is a criticism which the maintaining of the opinion does not carry. I can not make so fine a discrimination. I did not intend, nor do I now intend, either in expression of opinion or by declaration of law, to put a censure upon anyone connected with that matter.

Concatenations of circumstances come up in which one man is set in motion by a great and good motion, and where another is so connected with it that he is drawn into it by this influence or that, and finally, as a resultant, something is done which as a permanent system we would not be willing to welcome and to establish. So far as the President is concerned, and so far as is concerned any member of the board of arbitration or so-called commission, we are here and now called upon to deliver a vote of affirmative confidence and compliment. Wherein does this act involve the vote of confidence and compliment in embodying into law that which was not law and will not become law until Congress has enacted it as law and the President has approved it?

From the moment that that act becomes a law, the so-called inchoate, tentative arbitration or commission becomes an establishment of the Government of the United States, paid out of its Treasury, and, in effect, commissioned to perform duties for the whole people of the United States under compensation from them. So the word "commission" is used in this act, because when the act is passed the commission has arrived, is then created, and becomes a salaried commission of the United States; and knowing those whom the President has previously selected as members of that arbitration or commission, they will be themselves, per force of law, the recipients of the vote of confidence of Congress by being made salaried employees of the United States of America and a compensation provided for them.

It is very well for a public officer or a public agent to be sensitive about his public relation, but there is no reason in being supersensitive; there is no justification or ground for hunting around to see whether or not the persons who are confirming you and who are voting to pay you intended by some reflex, back action, to censure you for doing the thing which they propose to compliment and pay you for, because they reach into the future and say, "For the future we think another system of reaching employees is a wiser and better one."

The gentleman who is so supersensitive and who flinches so quickly when he is neither struck nor struck at, if he will go hunting through the world can find something to be sensitive about all the time; but no just ground of sensitiveness is contained in this declaration. If the honorable and intelligent gentlemen who have spoken in applause of the principle had felt that that principle was in itself a censure upon these gentlemen, they would never have uttered those words upon the Senate floor. It was the fact that they realized that that principle is no censure of any man

here or there that caused them to get up and speak in its behalf; but they say somebody somewhere will make this construction and this imputation, and have this fancy or that. We are not responsible, Mr. President, for the foolish fancies of the world. We can not measure the sensitiveness of mankind and regulate our conduct here by that. If we know that we are right, all sensitiveness will settle itself in a perfectly satisfactory way.

The Senator from Wisconsin says that it is a declaration of Congress that these gentlemen ought not to be in that business. On the contrary, it is a declaration of Congress to put them into that business and pay them for discharging it in the future as salaried employees of the United States.

Mr. SPOONER. Mr. President, if the Senator will permit me, does it not also prohibit it ever being done again?

Mr. DANIEL. Yes.

Mr. SPOONER. On what theory?

Mr. DANIEL. Because a thing may be all right when it is forbidden.

Mr. SPOONER. Upon the theory that it is not proper that it should be done?

Mr. DANIEL. Because it is wiser and best as a system of government to look elsewhere; and the Senator says that himself. Is he reflecting upon these gentlemen for having done in the past that which he does not propose to have anybody do in the future? If he does not want it done in the future, why not say so, not by mere word of mouth, but say it and seal it? The reflection is as great by the word as by the deed, but if the word is right the deed is also right.

On the other hand, there rises the Senator from Connecticut [Mr. PLATT]. He is not in accord with the distinguished Senator from Iowa [Mr. ALLISON] or the distinguished Senator from Wisconsin [Mr. SPOONER]. He thinks it is a wise and good system. He desires that the President of the United States may look into the halls of Congress, among the representatives of the States and the people and among the public officers of the United States and may put them in this inchoate way upon commissions. He thinks the time is coming in this country, different from the past, in which it will be better to mix things up in that sort of fashion.

I respectfully dissent from the Senator from Connecticut. I realize, Mr. President, that this practice is not a new one. The President of the United States who now holds that high and responsible position did not originate it. During Mr. Cleveland's Administration when he appointed a commissioner to Hawaii, although he was not an officer of the United States, I stood on this side of the Chamber and heard invective and diatribe upon the other against his power. I supported him in it. He had precedents back to the days of George Washington. It had been the fashion of our Government, and it will be even if this provision which I have had the honor to propose shall become a law, because we all realize that such things are purely tentative, that emergencies happen which no law can anticipate and no human wisdom provide for.

And in those cases where the act done has been a wise and a just one, the President may always confide in the wisdom of Congress, without the slightest scintilla of party relation to it, to substantiate and make good his veritable and patriotic act done for the interest of the whole people. All we propose to say is what is in the minds of Senators here on both sides of the Chamber. Indeed, if I may judge from the speeches which have been made, the most of them will vote against it because they are in favor of it.

Now, Mr. President, we should be practical in our attempts at legislation. I disclaim personal reflection upon anyone. I have not risen to offer this amendment with any kind of feeling against anyone. I have simply sought to embody a just principle which the great majority of the honorable gentlemen who have spoken against it recognize and applaud, but say, "Do not do it now. We fear somebody will be supersensitive." I take it that the gentlemen who are on this commission are sensible and experienced men. I think, when they read in an act of Congress that Congress has indorsed the action of the President, and more than that has gone further and made them a commission, which the President could not do, and has paid them a salary out of the Treasury of the United States, they will see in the act of Congress a thing done which precludes the fancies of criticism or the fancies from which a just sensitiveness might arise.

Our opportunities for legislation arise in such a case as this. This amendment is germane to the pending bill. It provides against a misconstruction of it. It does not relate to the past, which it proposes to confirm and to decree into law. It provides for the future, for the preservation of all the departments of this Government in their just independence of each other, in concentrating every mind in the Government to the performance of those duties which are provided by law.

I know, Mr. President, that every party which has ever been in

power in this country has made the same or a similar record. Some of the most distinguished Senators and Representatives who have honored the history of their country upon the floors of Congress have accepted such positions from executive authority and have made their names famous in the discharge of the duties which devolved upon them. I would put no blur upon their history; I would attribute no censure in a historical or a personal sense to anyone who was connected with such transactions; but because great and good men have been related to systems which the experience of time has shown us not to be the wisest, shall their names be evoked from the history of the past or brought up against us in the present to stop the wheels of a just measure of reform which gentlemen themselves say they desire to be perfected?

This, Mr. President, is making substance bow to form. It is making supersensitiveness and ceremony walk at the front when honest, practical legislation ought to have the right of way and go forward. I would be very glad indeed to accommodate the wishes of my distinguished and courteous friend the Senator from Wisconsin. If I saw the matter as he does, I would do so, because I do not think that this is an act or this an occasion in which, even if criticism or censure of any kind were proper, should be made the occasion for its utterance.

But not intending criticism or censure at this or at another time, I do not apprehend that the sentimentality which underlies that principle will be looked upon by any eye or be heard by any ear with any disposition to misunderstand or misconstrue it. I do not believe that the President himself would suppose that Congress or anyone in Congress intended thereby to imply a reflection upon him. In the main thing that he has done we are proud and glad to applaud him and in every way that is practicable to uphold his hands as the hands of a patriot and a statesman who was doing the wise and just thing for his country. And without disturbing that wise and just thing in any relation in which he chose to put it, we say, as to the future, "there is a rule which ought to be observed about such matters;" that is all.

Mr. HOAR. Mr. President, I wish my honorable friend the Senator from Virginia [Mr. DANIEL], for whose opinions on this as on all other subjects the entire Senate has such profound respect, would be willing to withdraw this amendment as a proposed amendment to the present bill and bring up the subject by itself in some appropriate bill, when the Senate may deal with it not only more deliberately, but having regard to some consideration which there is hardly time to urge now.

I make that appeal to him for two reasons. One is that I think he himself would like to limit—certainly I think many Senators who entirely agree with him in his general view, as I do very earnestly and heartily, would like to limit—the operation of this amendment as it is not now limited by its language. The amendment proposes that—

No officer or employee of the United States * * * shall have any duties imposed upon him other than those imposed by law.

Now, I doubt whether my honorable friend himself would say, if we have to make a postal convention with some foreign country, that it would be well to exclude from the service of the country the best postmaster in the United States, the postmaster of one of our great cities, or anybody now in the public employ, who knows all about the subject, which is a difficult and technical subject.

Mr. DANIEL. Will the Senator from Massachusetts allow me to respond to him?

Mr. HOAR. Certainly.

Mr. DANIEL. I will say by no means, but, on the contrary, I would provide in the law by which the postal convention is attended by the United States that such persons might be put on.

Mr. HOAR. But these postal conventions are not always or frequently provided by law beforehand. There are I will not say a thousand arrangements, but a great many, that come up not through our ordinary diplomatic channels which can not be anticipated beforehand. Take a case like this. There are certainly a great many occasions when the President of the United States wants to summon to Washington somebody in the employ of the Government to take his advice, who is not compelled by law to come to Washington and advise him; and that is in essence and substance all that the President has done with this commission. He has asked them to go down and hear the parties and then give the parties and himself and also the country their account of the condition of things, with some recommendations.

It would be, in my judgment, a calamity to have the amendment of the Senator voted down, and I for one should be compelled to vote against it as it stands, because it would be taken hereafter, I am afraid, as a judgment of the Senate that what has happened in the past is approved or not disapproved by Congress. That is my other reason for hoping the Senator will withdraw the amendment.

Mr. DANIEL. Will the Senator from Massachusetts give me an opportunity to surrender?

Mr. HOAR. I yield to the Senator from Virginia.

Mr. DANIEL. When I was asked by several other gentlemen, for whose opinions and wishes I have great respect, to withdraw the amendment, I hoped that perhaps I might persist and get this matter through. But the Senator from Massachusetts has piled Ossa on Pelion, and I surrender to his request, so kindly made, and will seek a more fitting and more hopeful occasion. I might do the measure more harm than good by persisting now. For the present I give up.

Mr. HOAR. While I am up I should like to make one or two statements by way of history.

The President of the United States, on ten or a dozen occasions since I have been in public life, has nominated members of this body for important public services, either diplomatic or other, but generally diplomatic. In that he followed the precedent of Washington, who appointed John Jay, then Chief Justice of the United States, to make a treaty with Great Britain, perhaps the most famous single treaty in our annals. The first case which I remember was that of the monetary commission for the sake of dealing with the use of silver. There were two or three such commissions, in every one of which a member of the Senate was made a commissioner.

On the first occasion of that kind I made a very earnest protest against the inauguration of that practice, although the members of the Senate who were selected for that service were perhaps the very fittest men in the United States on either side. There was one commission, on the silver question, the bill for which did not go through, I think, on which, I believe, my honorable friend the Senator from Virginia was expected to be named. I do not mean that he had given his assent, but it was hoped by the country, I may say, at any rate, that he would be one of the commissioners.

Mr. DANIEL. I think that was one provided by law.

Mr. HOAR. Yes; one provided by law. But there have been others not provided by law. However, the objection in my mind does not—

Mr. DANIEL. Further, I beg leave to state to the Senator, it was not one of Executive appointment.

Mr. HOAR. No.

Mr. DANIEL. It was in the nature, if I remember correctly, of a delegation of the Senate.

Mr. HOAR. Perhaps with respect to that one it was so. But at any rate the question whether it is provided by law or is not is not decisive in my mind in regard to the matter of disapproving the practice. I do not think the President of the United States ought to take members from either House of Congress, whether by law or without, and impose upon them honorable and distinguished duties, for which they receive either a salary from the Government or compensation—sometimes pretty large—awarded by the President and an opportunity to go abroad and enjoy the great honor and pleasure of a visit and a residence at foreign capitals. It is a very conspicuous honor and a very conspicuous advantage and delight; and the President, who is prohibited by the Constitution from appointing a Senator or Representative to an office, ought not to come into this body and increase his Executive influence with Senators by the exercise of such a power.

In the next place, it puts the Senate in a most awkward situation. Here are members coming to this body responsible for a treaty, and then they are going to vote as Senators on the very treaty they themselves have negotiated under the absolute command or direction of the Executive. They are in no condition to listen to the arguments of their fellows, as the rest of us do. They are in no condition to consult with us as equals. Sometimes, I believe I have very good reason to say, Senators have voted as Senators on the floor for the ratification of treaties for which they never would have voted in the world except for their relation to the treaties as commissioners which they made under the direction of the President.

Mr. President, I do not think any blame or criticism is to be attached to the Senators who in recent years have accepted such employment. They acted upon a precedent established by General Washington and John Jay, and that is a pretty good precedent for anybody's action and a precedent which has been followed ever since. Although there was no vote of the body, yet I suppose from the time of the Jay treaty, which was the case of a judge, down to the Paris treaty, which was a case of Senators, the Senators who accepted commissions (and so in the case of the commission to Hawaii and others I could name) were the men whom all their associates would have delighted to have exercise those functions, as far as the individual was concerned and as far as the particular service was concerned. But when it comes to this practice, which has obtained so far, and we come to consider it as a matter of general principle, I think nearly every Senator who has acted under the old practice would say he thinks on the whole it would be better that it should not be continued.

I remember a very eminent member of the Judiciary Committee, not now in the Senate, who was at that time acting on a

commission to make a treaty with Canada. He stated that he was himself entirely convinced that the practice had better be discontinued. If I mistake not, he voted in the Judiciary Committee for a bill or resolution which would have the effect of discontinuing it in the future, although he had himself acted upon this service.

Now, this matter came up in the Judiciary Committee at the last Congress but one, I think. I suppose I am not betraying any confidence when I say that the committee were unanimous, I believe, with possibly one exception, in disapproving the practice. But we all thought that we did not want at that time to report a measure or resolution which might be construed by persons who did not know the facts into some possible censure or disapproval of the course of our associates in the Senate. Therefore we all agreed that it was better to leave any legislation or resolution on that subject to a time when there was no practical question which would affect anybody, and when everybody could deal with it without any seeming discourtesy or any prejudice.

But I, as chairman, was directed by the committee to wait upon President McKinley and recite to him what had happened and to say that it was the hope of the committee that the practice would not be further extended or continued. I waited upon President McKinley and communicated to him what I had been directed to say. President McKinley told me that, on reflection, he himself was entirely of that opinion, and that he did not think it was a practice which ought to be maintained.

But he added, what I suppose there is no great impropriety in saying, that it was hardly conceivable what difficulty he found in getting precisely the proper instrumentalities for diplomatic service, and that if he were excluded by law or by custom from availing himself of the capacities of the Senators who were familiar with the great subjects to be dealt with diplomatically, who were to act afterwards under their responsibility as Senators, it would increase very much indeed his difficulties in cases like those which had come up; that very nearly always the fittest men in the United States to go and cope with and struggle with and contend with skilled diplomatists abroad were very likely to be found in the Senate, as had been found in the very distinguished case in which the President of the Senate himself was one of the commission.

So there was absolutely no feeling on anybody's part that anything had been done by any of our associates or by President McKinley which was not in pursuance of very important precedents and in consonance with a practice which had prevailed almost from the beginning.

Now, I hope that at some convenient time the Senate will pass a law or resolution expressive of the feeling which I believe prevails almost without exception in this body. There are two or three exceptions, I know, but in general I believe the opinion of the body is almost unanimous that it is not well to allow the President of the United States so to appoint Senators. It is either appointing a committee for the Senate on the subject, when the Senate has the right to appoint its own, or is establishing a peculiar relation of confidence and control and interest between the Executive and some Senators that does not extend to the whole body.

Mr. McCOMAS. Mr. President, I merely wish to make one remark, as it is getting late.

I remember the occasion when this matter was up in committee and was discussed. I was one of the few persons, perhaps, on that occasion not fully convinced, but acquiescing. This question has been discussed at both ends of the Capitol many, many times. It has seemed to me that excellent men, because apprehensive of a particular result or opposed to a particular matter on principle, find fault with the method; and I think if, as the Senator from Massachusetts has said, this question is to be discussed, it had better arise upon a distinct proposition and there had better accompany it a list of the commissions which have been appointed by the Executives of this country from the days of Washington to McKinley.

Looking in the historic past and looking in the recent past if it be found that the commissions which have been appointed have been uniformly of the best selection and the work they have done has been the best work, then it may appear from the experience of a hundred and twenty-six years that the Executive, having the difficulty to which the Senator from Massachusetts referred, unless he did appoint a member of the judiciary or of either House of Congress, could not find some man with special fitness and aptitude for a delicate and important work, it would weaken the interest of the country and it would deprive the country of the services which were preeminently needed by the country to put this sort of a hamper upon the Executive discretion.

It has been said that in foreign mails you should have an expert. That is only one instance. In the foreign mail service you have for generations chosen employees exclusively from that service, because there are no other experts to be had. In respect to coin-

age, weights, and measures it has been the uniform custom in this country, and in respect of diplomatic subjects and many parliamentary questions. There is no other mode than to take from the ranks of the service, where the most experience resides, or those who have gained from their experience the most confidence of the people. Unless they can be taken the public suffers a loss.

Whenever this question shall come again before the Senate I hope that the gallant and wise Senator from Massachusetts, with the frankness and fairness so characteristic of him, may have compiled a list of all the commissions appointed from the days of Washington to the present. And if what we have done was well done and should not be undone, and if the men who have done it in the retrospect were the best men to do it, if there were among them men who could not have been equaled in performing that service, then why from this general notion of delicacy should the country lose substantial benefits?

Mr. HOAR. May I ask my honorable friend a question?

Mr. McCOMAS. Certainly.

Mr. HOAR. What does the Senator understand about the reason which induced the framers of the Constitution to provide that the President of the United States could not appoint a Senator or Representative to any office whatever of trust or profit under the United States, not even a village post-office, which would be consistent with his sending that Senator to a foreign capital to do exactly what an ambassador would do, to receive \$20,000 or \$30,000 as salary for the service, and have him spend a season there with the highest social position for the time on the face of the earth? I suppose the purpose of that constitutional provision which prevents the President of the United States from offering me the local post-office in my town is that there shall not be any Executive influence over the Senate.

Mr. McCOMAS. My answer is that the provision of the Constitution was not intended to apply to this sort of a case, for had it been so George Washington would not have quit the chair as President of the Convention which framed the Constitution, and then as the first President violated the spirit and letter of the Constitution by sending John Jay as a commissioner to perform the service he did.

Mr. HOAR. I am speaking of a Senator. What was the reason why the Constitution prohibited the President from appointing a Senator to office?

Mr. McCOMAS. And in further answer, Mr. President, when the Presidents lived in the time of the fathers and appointed Senators on some commissions of that sort, I apprehend that the fathers did not expect in the Constitution which they had just approved such a nicety, such a delicacy, such a sensitiveness as is now exhibited in this latter day, long after those men who made the Constitution did not make this application of it to commissions.

I say that in common sense and in the interest of the country we should not too much refine upon this matter. If the best man be a judge, if the best man be a Senator, if the best man be a member of the House, then the country is entitled to have the best man to represent it in something of that sort. In this particular case here, as has been said, these men are a commission in the sense that they are a board of conciliation made up by the friends of both sides. And what more natural than that an able judge who had won their confidence should be accepted by both sides as the chief arbitrator on that commission? There may have been hundreds of men in the same locality who would have been quite as good, but here was a man as chairman of a board of conciliation whose record and experience convinced both sides that they should quit their warring at this time and agree to take that man as one of the commissioners.

Therefore I say I think the time should not too early come when we should legislate to deprive the country of that which the Executives, from the first to the last, have found of very great service, honor, and profit to our common country.

The hour is late—

Mr. HOAR. My friend does not answer my question. Will he allow me to read this provision of the Constitution?

No Senator or Representative—

This does not apply to justices at all; it is speaking of Senators and Representatives.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

Now, what was the reason for that provision?

Mr. McCOMAS. That would prevent a Senator or Representative from holding an office; and I have in vain expressed my impression if a place on the commission is an office. I insist that it is not an office.

Mr. HOAR. I so understand, but my question is not whether it is an office. My question is, What is the reason for this provision of the Constitution?

Mr. SCOTT. Mr. President, I should like to ask the Chair a question, if the Senator from Maryland will allow me.

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from West Virginia?

Mr. McCOMAS. I yield for a moment.

Mr. SCOTT. Was not the amendment offered by the Senator from Virginia withdrawn?

The PRESIDENT pro tempore. It was.

Mr. McCOMAS. Now, Mr. President, I merely answer that the members of the commission of which we are now talking are not, in the purview of the Constitution, what the Senator intimates; and the general and uniform practice of the Executives and the approval of the legislative body seem to maintain the construction for which I contend.

Mr. HOAR. My question is not whether they are officers or not; my question is, What was the reason for that constitutional provision? Will the Senator answer that?

Mr. McCOMAS. The reason of the framers of the Constitution upon that proposition I am not prepared to discuss at this late hour. I only desire to say that the thing which we are now asked to do ought not to be done hastily or as of common consent. I am glad the amendment has been withdrawn, and if the Senator from West Virginia had been present he would have observed that a little while ago, but the withdrawal of the amendment with the suggestion of renewing the question induced me as one of the younger members of this body to say that I want to have the history of the operation of these commissions brought up for a discussion of the practice, whether it be good or bad.

The PRESIDENT pro tempore. Shall the amendments be ordered to be engrossed and the bill to be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. Shall the bill pass?

Mr. BAILEY. I desire to know if it is still in order to offer an amendment?

The PRESIDENT pro tempore. It is not.

Mr. BAILEY. I lost my opportunity to offer it because I thought it was understood that the word "Commission" where it appears here should be stricken out and in its place either "Arbitration" or "Board of Arbitrators" should be adopted. Words are sometimes unimportant and sometimes when they are intended to describe things they are very important. This is not a commission. This is a board of arbitration, and as such the President was entirely justified in appointing it. If he had attempted to appoint a commission without the authority of law I should not ratify that appointment; and I do not intend with those words in the bill to vote for it.

Mr. ALLISON. The Senator from Texas suggested this change to me. I saw no especial objection to it, and I do not now, except that I am afraid if the words are changed this appropriation will not be available, and as I do not know what the designation is of the gentlemen who are now acting.

Mr. BAILEY. There can be no designation. There is no law under which they could have been designated.

Mr. ALLISON. I suppose they are designated as a commission.

Mr. BAILEY. When and how? There can be no official designation of them until this bill passes. Now the bill simply recognizes the propriety of the appointment of arbitrators, a voluntary operation entirely, and the only extent to which the bill commits Congress is that we are willing to pay the expenses of an arbitration.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. BAILEY. Certainly.

Mr. FORAKER. I suggest that, following "Commission," the words "of Arbitrators" would be within any designation I have ever seen. It is true, as the Senator from Texas says, that we are now for the first time fixing a legal name. If he does not object to that amendment it seems to me that it ought to be made.

Mr. ALLISON. By unanimous consent it can be done.

The PRESIDENT pro tempore. By unanimous consent, of course, the vote by which the bill was ordered to a third reading and read the third time can be reconsidered. Is there objection to reconsidering the vote by which the bill was ordered to a third reading and read the third time?

Mr. MASON. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BAILEY. I would be glad to have the chairman of the committee make a motion to reconsider. If he does not I shall move it.

Mr. ALLISON. I have no objection to reconsidering the vote and inserting those words. I hope the Senator from Illinois will withdraw his objection.

Mr. MASON. I withdraw the objection. I made the objection, Mr. President, because I can not see any difference. We make it whatever we make it. It has no power necessarily until we give it power, retroactive in a way. Whether we call it a rose or anything else it can not make any difference.

Mr. BAILEY. It is said—

That which we call a rose
By any other name would smell as sweet.

But all things are not roses, the Senator from Illinois will understand. When we deal with literature that kind of an expression is permissible, but when we deal with practical and industrial conditions it looks to me like it is desirable to call a thing exactly what it is. This is a board of arbitration, and it seems to me that when we come to—

Mr. MASON. Will the Senator permit me to interrupt him?

Mr. BAILEY. Certainly.

Mr. MASON. What more power has the President to appoint a board of arbitration than he has to appoint a commission?

Mr. BAILEY. The President has no more authority to appoint it than I have or the Senator from Illinois. If these parties had come and said "we will agree to abide by the decision of a board of arbitrators named by the Senator from Illinois, Mr. MASON," under the circumstances the Senator from Illinois would have undoubtedly named the arbitrators; and when they were saving the country such a serious menace as then threatened its industrial and commercial peace I would have voted to pay the expenses of a board of arbitration appointed even by the Senator from Illinois. That is precisely what I want to do here.

Mr. MASON. I suppose I ought not to take further time than to say if we talk any longer we can not have any coal next week. So I will save my speech until next week.

Mr. ALLISON. Do I understand correctly that the vote has been reconsidered?

The PRESIDENT pro tempore. Was the objection withdrawn?

Mr. MASON. It was withdrawn.

The PRESIDENT pro tempore. The objection being withdrawn, the vote ordering the bill to a third reading is reconsidered and the bill is open to amendment.

Mr. ALLISON. Now, in line 7, I move to strike out "Commission" and insert "Arbitration," and in line 8 the same.

Mr. BAILEY. I suggest, in line 8, the word "arbitrators" would be better than "arbitration;" so as to read, "such arbitrators having been appointed."

Mr. ALLISON. I accept that, Mr. President, if I have any power to do so.

Mr. BAILEY. Then, in line 1, page 2, where it reads "the compensation of the members of said commission," it should read "of said arbitrators."

Mr. ALLISON. I would say "the members of said arbitration."

Mr. BAILEY. That is entirely satisfactory.

Mr. ALLISON. Let it read "the members of said arbitration" in line 1, page 2.

The PRESIDENT pro tempore. The Senator from Iowa moves an amendment in line 7, page 1, which will be stated.

The SECRETARY. On page 1, line 7, strike out the word "commission" and insert in lieu thereof "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. In line 8, page 1, strike out "commission" and insert the word "arbitrators;" and on page 2, line 1, strike out "commission" and insert in lieu thereof the word "arbitration."

The amendment was agreed to.

Mr. ALLISON. The word "commission" occurs in the amendment which I offered in line 4, page 2.

The PRESIDENT pro tempore. It does.

Mr. ALLISON. Let it be changed to "arbitration," so as to read "members of said arbitration."

The SECRETARY. Line 4, where the Senate struck out "President" and inserted "said commission," strike out the word "commission" and insert "arbitration or arbitrators."

Mr. BAILEY. If you use the word "members" you ought to use the word "arbitration;" so as to read, "members of said arbitration."

Mr. ALLISON. I think in line 4 it would be just as well to say "arbitration;" so as to read, "as may be fixed by said arbitration."

The SECRETARY. Strike out "commission" and insert "arbitration." It occurs in the amendment following the word "Government," also where it reads "\$4,000 each; and for the employees of the said commission." Strike out "commission" and insert "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. The word "commission" occurs in line 13, on page 2.

The SECRETARY. It occurs in the proviso which precedes, offered by the committee:

Provided, That the members of said "commission," etc.

Strike out "commission" and insert "arbitration." It occurs three times in the proviso.

Mr. ALLISON. Wherever it occurs I ask that "commission" may be changed to "arbitration."

The amendment was agreed to.

The SECRETARY. In line 13, page 2, strike out "commission" and insert "arbitration." In line 16, page 2, strike out "commission" and insert "arbitration."

The amendment was agreed to.

The PRESIDENT pro tempore. That is all.

Mr. ALLISON. Now, Mr. President, I believe that completes the amendments.

The PRESIDENT pro tempore. Shall the amendments be engrossed and the bill be read a third time?

Mr. ALLISON. I hope so.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAILEY. I suggest that the title be amended.

The PRESIDENT pro tempore. The title will be changed.

The title was amended so as to read: "A bill to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Arbitration appointed by the President of the United States at the request of certain operators and miners."

ARTHUR P. LOVEJOY.

Mr. GALLINGER. Mr. President, I ask consent to call up House bill 3291, an urgent pension bill.

The Secretary read the bill (H. R. 3291) granting an increase of pension to Arthur P. Lovejoy, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to place on the pension roll the name of Arthur P. Lovejoy, late of Company C, First Regiment Vermont Volunteer Cavalry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. Mr. President, I had hoped to get up the militia bill this afternoon, but of course that is now out of the question. I therefore give notice that immediately after the routine morning business on Monday morning I shall ask that it be laid before the Senate for consideration.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, December 15, 1902, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 11, 1902.

CONSUL-GENERAL.

George Sawter, of New York, now consul at Antigua, to be consul-general of the United States at Guayaquil, Ecuador, vice Thomas Nast, deceased.

COLLECTORS OF CUSTOMS.

J. Rice Winchell, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut, in place of John W. Mix, deceased.

Henry Whiting, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine. (Reappointment.)

POSTMASTER.

Selah H. Van Duzer, to be postmaster at Horseheads, in the county of Chemung and State of New York, in place of Frank S. Bentley. Incumbent's commission expires December 20, 1902.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 11, 1902.

CONSULS.

William F. Doty, of New Jersey, to be consul of the United States at Tahiti, Society Islands.

George H. Bridgman, of New Jersey, to be consul of the United States at Kingston, Jamaica.

COLLECTOR OF CUSTOMS.

Ellery H. Wilson, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island.

REGISTERS OF THE LAND OFFICE.

Neal J. Sharp, of Idaho, to be register of the land office at Hailey, Idaho.

Harry J. Symms, of Mountainhome, Idaho, to be register of the land office at Boise, Idaho.

RECEIVER OF PUBLIC MONEYS.

Charles H. Garby, of Idaho, to be receiver of public moneys at Lewiston, Idaho.

MARSHAL.

Edson S. Bishop, of Connecticut, to be United States marshal for the district of Connecticut.

POSTMASTER.

John E. Thomas, to be postmaster at Belleville, in the county of St. Clair and State of Illinois.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 11, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

FIRST REGIMENT OHIO VOLUNTEER LIGHT ARTILLERY.

Mr. CAPRON. Mr. Speaker, I desire to present a conference report on the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, for the purpose of having it printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

ADIN B. CAPRON,
CHARLES DICK,
JAMES HAY,

Managers on the part of the House.

J. B. FORAKER,
REDFIELD PROCTOR,
F. M. COCKRELL,

Managers on the part of the Senate.

The statement is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

This action places the proposed legislation as it passed the House June 20, 1902, and was approved by the Senate December 9, 1902.

ADIN B. CAPRON,
CHAS. DICK,
JAMES HAY,

Managers on the part of the House.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

The message also announced that the Senate had passed, without amendment, the bill (H. R. 15794) to amend section 20 of an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 3975. An act to refund internal-revenue taxes paid by owners of private dies.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3975. An act to refund internal-revenue taxes paid by owners of private dies—to the Committee on Claims.